

EXTENSIONS OF REMARKS

NATO AIRSTRIKES IN BOSNIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I welcome reports that NATO planes struck targets near the Bosnian Serb stronghold of Pale today after militant forces ignored a U.N. ultimatum to surrender heavy weapons they seized from U.N. weapons dumps around Sarajevo earlier this week. According to *Reuters*, six aircraft, including U.S. warplanes, bombed a Bosnian Serb ammunition depot in response to a request from U.N. peacekeepers. This rare display of muscle to quell attacks against Sarajevo, a U.N.-designated safehaven, is long overdue. Perhaps these airstrikes signal a resolve by the international community to take a firm stand against armed aggression and those responsible for genocide in Bosnia.

I applaud the Clinton administration for fully backing the NATO raids which were a response to what Secretary of Defense Perry characterized as reprehensible attacks around the Bosnian capital. Mr. Speaker, it is high time that determined action, such as today's airstrikes, be directed against those who flagrantly defy the will of the international community, as the Bosnian Serbs have repeatedly done.

TRIBUTE TO WHIRLPOOL

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. GORDON. Mr. Speaker, I rise today to recognize a corporation in LaVergne, TN, who has been justly rewarded for their continuing commitment to service and quality.

Whirlpool Corp. has received the 1995 Partners in Progress Award, based on service, product quality, market performance, and customer responsiveness. This is the fourth year in a row Whirlpool has been recognized for the PIP Award, which is given only to the top 1 percent of Sears' suppliers.

Whirlpool, home to just over 2,400 employees, makes its mark each year by producing the very best in air control products. Each employee is to be commended for their role in ensuring the success of Whirlpool through their attention to product safety, dependability, and performance.

Please join me today in congratulating these workers in Tennessee for their tremendous accomplishment.

PROTECTING THE RIGHTS OF WORKERS OVERSEAS HELPS U.S. WORKERS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, one of the areas where we must as a country do a better job is trying to diminish the disparity in respect for the rights of workers that exist between our country and many other countries which would trade with us. There will inevitably be differences in the cost structure of manufacturing in different countries, especially in those that are in different states of development. But any cost disadvantage which we face should not be exacerbated by situations in which workers in less developed countries are deprived of fundamental rights to organize or to advocate for their own legitimate self-interest.

We should be insisting as part of our international economic policy that nations which seek favorable treatment from us as recipients of assistance, or as participants in open trade agreements which they will find advantageous, provide a framework in which the legal rights of workers in those countries are fully respected.

An example of the relevance of this recently came to my attention in a letter sent by AFL-CIO President Lane Kirkland to the co-Prime Minister of the Royal Cambodian Government. In this letter, Mr. Kirkland objects quite legitimately to provisions in the labor law which is about to be promulgated in Cambodia. I ask that Mr. Kirkland's letter to the Cambodian Government be printed here, as an example of the kind of reasonable action we should be taking in the area of international workers rights, both as a matter of fairness, and as a way of preventing undue deterioration through competitive pressures in the rights of workers in America.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, May 5, 1995.

H.E. NORODOM RANARIDDH,

H.E. HUN SEN,

Co-Prime Ministers, Royal Cambodian Government,
Council of Ministers, Phnom Penh,
Kingdom of Cambodia.

YOUR EXCELLENCIES: As the leader of the America's national trade union confederation and its 14 million members, I write to express my concerns about the failure of Cambodia's current draft labor law to meet international labor standards in several key areas. I strongly urge you to take immediate action in the appropriate deliberative body to revise Articles 281, 306, and 377 of the draft to bring them into compliance with the relevant International Labor Organization (ILO) Conventions.

The current version of Article 281 clearly fails to comply with ILO Convention 87, which guarantees workers the most fundamental protection, freedom of association. As now written, the draft Article requires all

employee associations to affiliate with government-established national federations. We wish to point out to your Excellencies that such a requirement not only violates international standards, but it is also contrary to Articles 36 and 41 of the Cambodia Constitution which guarantee Cambodian citizens the right to freely associate and form employee organizations, including trade unions, of their own choosing.

Freedom of association is the most vital component for the establishment of a modern, peaceful, stable, and representative industrial relations system; such a system will put Cambodia on the path to sustainable economic development. By taking a far-sighted view and amending Article 281, Your Excellencies will make a decision that would provide a stable, dynamic environment to help guarantee foreign investment that benefits both the Cambodian people and the investors. Moreover, guaranteeing freedom of association will be praised by the international community and improve Cambodia's chances of meeting requirements for receiving trade benefits from the United States including GSP and OPIC. As you may know, technical assistance in crafting an amended Article 281 provision is available from the Cambodia office of the Asian-American Free Labor Institute (AAFLI), the AFL-CIO's Asia institute.

We also urge you to bring Articles 306 and 377, key worker protection provisions in the code, into compliance with international norms. Failing to provide basic worker rights in these areas will not only create difficulties in international fora, like the ILO, but will also endanger the lives and livelihoods of Cambodian workers.

We certainly understand the importance of Most Favored Nation (MFN) status, Generalized System of Preferences (GSP), and Overseas Private Investment Corporation (OPIC) trade benefits to assist the development of Cambodia, and do not take lightly the needs of your country, which is still suffering the effects of over 20 years of war. As I'm sure you know, we continue to support the provision of international assistance to Cambodia by the U.S. and other countries.

However, if the Royal Cambodian Government decides to pass a labor law that fails to guarantee freedom of association in accordance with international standards, the AFL-CIO will oppose the granting of GSP and OPIC benefits to Cambodia and work with the Congress and the Clinton Administration to that end. Furthermore, we would also work with our friends in the international labor movement to consider other actions as necessary.

Since there is still time before this draft code comes before you and the Cabinet, I urge Your Excellencies personally intervene to amend Articles 281, 306, and 377 and bring them into compliance with the relevant ILO Conventions.

Thank you for your attention to our concerns and I look forward to hearing from you in the near future.

Sincerely,

LANE KIRKLAND,
President.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HUMAN RIGHTS IN CHINA THE CONTINUING STORY OF REPRESSION AND ABUSE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. SMITH of New Jersey. Mr. Speaker, we are only days away from the 6th anniversary of the Tiananmen Square massacre which was the Chinese Government's violent response to the peaceful prodemocracy demonstrations of students and other Chinese citizens in 1989.

As the anniversary of the Tiananmen Square pro-democracy movement approaches, the Chinese Government now turns its attention to prominent dissidents who have petitioned the Government for greater tolerance of dissent. Wang Dan, one of the leaders of the 1989 movement, is among those who have been detained.

The men and women who bravely stand up for human rights, democratic reform, and greater tolerance deserve our support and encouragement. They are the hope for the future of China. However, disturbing trends of abuse of human rights call us to realistic see the Chinese Government for what it is: butchers and despots who have no regard for human life and dignity.

In the course of the last 2 years we have watched as human rights have continued to deteriorate in China. New laws which restrict religious activity for both the underground and Government-sponsored Christian were issued in January 1994.

Recent reports confirm that the Chinese Government's attack on religious believers is increasing. During the Easter celebration the Public Security Bureau in Linchuan County arrested 40 pro-Vatican Catholics suspected of organizing a Mass attended by nearly 20,000 worshippers. Eleven of these people are still being detained.

A Protestant minister, Li Dexian, his wife, and several companions were arrested and detained in April while conducting a worship service. Pastor Li was beaten and kicked during this detention. This was the fourth time he was arrested in 4 months.

And citizens of two predominantly Catholic villages in Liangshou County have been forced to flee their homes and go into hiding to escape the brutal torture by the population control officials because they refuse to follow the one-child-per-couple policy. They refuse to bow to the new population slogan of "Better to have more graves than more than one child." The villagers report that they have been subjected to being hanged upside down and having their tongues burned with electric wires.

The new law on maternal and infant health care enacted in October 1994 is in actuality a eugenic law, reminiscent of the Nazi eugenic policies of an earlier era. This law prohibits marriage between people if one of them has "a serious hereditary disease, which is medically deemed unsuitable for reproduction" unless the couple would agree to take long-lasting contraceptive measures or give up child bearing by undergoing ligation." The law further states that when a woman is determined to be carrying a child that may carry "serious hereditary diseases * * * or have a serious deformity," the pregnancy should be terminated.

Dr. John Aird, former Chief of the China Branch at the U.S. Census Bureau, said "Coercion in the Chinese family planning program has in the past 2 years reached its second extreme peak approaching or perhaps exceeding the levels of 1983."

Couples have no right to determine the number and spacing of their children. Those that choose to violate the one-child-per-couple policy may be hunted down like animals. Women are forced to abort their babies, many are sterilized. Those that do have a second or third child are usually subjected to loss of jobs and property, harassment, and fines that far exceed their income.

Another area of concern is the extensive prison labor system which exists in China. No other system like it exists in the world today. It is the most extensive forced-labor system in the world, and this system has destroyed the lives of millions of people, and it continues to do so.

When I was in China last year I met with several people who bear the permanent scars of years in Chinese prison labor camps. I heard their stories of beating and torture and saw for myself the broken bodies which these camps create.

New, disturbing evidence that prisoners are being executed so their body parts can be sold for transplants is now coming to light. There are even reports that some prisoners are having their kidneys removed before they are dead. Harry Wu, himself a survivor of the prison labor system has documented this body trafficking practice on film. How much more do we need to see before we are convinced that the Chinese Government has no concern for human life whatsoever?

Concern for human rights in China has been virtually ignored by the Clinton administration since last year's renewal of MFN. Official after official has traveled to China and human rights has not been on their agenda.

Mr. Clinton has an opportunity to lessen the damage done by extending MFN at the cost of human rights when he attends the G-7 meeting in Nova Scotia on June 15. I join my colleagues in urging the President to raise the deterioration of human rights in China at this meeting.

But should he forget the dissidents, the prisoners, the tortured, the abused, the murdered, we Members of Congress will not. The Subcommittee on Foreign Operations and Human Rights, which I chair, has held two hearings on human rights abuses in China. The first on the Laogai prison labor system, the second on the coercive population control policies. These were the first hearings of their kind to be held by a congressional committee. Future hearings will focus on other forms of human rights abuse in China.

The Chinese people who value freedom, democracy, and human rights deserve our support.

THANKS, AMERICAN LEGION POST
NO. 251

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I am pleased to ask my colleagues to join me

in recognition of American Legion Post No. 251 of Montclair, NJ. Post No. 251 has been an invaluable resource in its community. For more than 60 years, it has provided services ranging from youth educational opportunities to sports and recreational activities. In addition to these quite laudatory services, Post No. 251 has left an indelible mark with regard to the essential role that Black Americans have played in the American military.

In fact, on May 26, 1995 at the Friar Tuck Inn in Cedar Grove, NJ, Post No. 251 will honor the Nation's African-American service people with its Salute to All Black Veterans. This event will be held in commemoration of the numerous Black men and women who have so valiantly served this country. Among those to be honored include Crawford Crews, for whom Post No. 251 is named after. Crews was a member of the illustrious all Black 369th Infantry Regiment of New York. This unit fought in the trenches for 191 consecutive days without losing a foot of ground, a single prisoner, or the battle against the Germans. Additionally, three other Montclair residents Austin Barnes, Alonzo Mills, and Benjamin Smith, who all fought in World War I, will also be honored.

While our Nation has been extremely slow to pay the respect and homage to the Nation's Black veterans that they deserve, Post No. 251 has attempted to pick up the slack. For this, we must pay them our deepest thanks.

Thank you, Mr. Speaker, for allowing me this opportunity to share with my colleagues of the tremendously beneficial works that American Legion Post No. 251 is contributing to the Essex County community.

TRIBUTE TO FATHER GEORGE
THOMAS BROWNE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Father George Thomas Browne. Father Browne is the pastor at St. Angela Parish in Roseville, MI and on June 4 he will celebrate the 40th anniversary of his ordination as a priest.

It is my sincere pleasure to congratulate Father Browne on what I am sure is a proud anniversary. The devotion he has displayed to his faith and the community over these past 40 years is an inspiration. In addition to the many parishes at which he has served as pastor, Father Browne has also been a chaplain for Sinai Hospital in Detroit, the Marine City Fire Department, the blue Water Fire Fighters, and the Knights of Columbus.

Many people depend on the emotional, educational, and spiritual support provided by their pastor or chaplain. Too often, many human needs are left unsatisfied in the secular world and I know that he has conscientiously attempted to see those need met. Whether saying a Sunday morning Mass or serving as a Archdiocesan school board member, which he did in the late 60's, Father Browne has dedicated his life to the Lord's work.

I am always impressed by the many people committed to improving our communities. And, I am always pleased when constituents ask me to recognize the contributions of such an

individual. Earlier this month, I had the opportunity to meet with about 90 students from St. Angela School. On June 2, many of these same students along with their teachers and families will be holding a special mass and liturgy for Father Browne. I was pleased to meet the students and their chaperones and am grateful that I was asked by them to officially recognize Father Browne on his anniversary. It is always privilege to pay tribute to someone who is so well respected by members of the community.

As a former seminarian, I feel a certain affinity with Father Browne. Although our paths have differed, I am pleased that Father Browne and I are able to share a constituency. I commend him for his work and faith and wish him continued success in his role as a religious leader.

I ask my colleagues to please join me in offering heartfelt congratulations to Father George Browne on this momentous milestone.

12TH ANNUAL OBSERVANCE OF NATIONAL MISSING CHILDREN'S DAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. STARK. Mr. Speaker, I rise today to mark the 12th annual observance of National Missing Children's Day and to recognize Child Quest International, Inc., a San Jose based nonprofit organization, for all of their tireless efforts on behalf of missing children. As of this year, Child Quest International has assisted in the recovery of 1,016 missing children.

More than 1,000,000 children are reported missing in the United States each year and between 20,000 and 50,000 of those remain missing for more than 1 year. Child Quest International was founded in 1990 and formed to protect and recover missing, abused, and exploited children. Child Quest International works to successfully reunite missing children with their families and to provide support and referral services to children who have been abused and exploited.

Child Quest International assists families 24 hours a day, 365 days a year through a nationwide toll-free number. Its caseworkers all have criminal justice backgrounds with the expertise to investigate cases and provide technical assistance and counseling to families. They have a worldwide photo distribution network over which they can distribute posters and flyers. They are able to do mass and direct mailings and utilize mass media such as television, radio, newspapers, billboards, and bus signs. Child Quest International differs from other nonprofit organizations, in that it also utilizes new technologies such as computer information networks and computer digitized photographs.

Child Quest International also provides support and referral services for families worldwide in the following areas: abused and exploited children, Grandparents' rights, and missing adults. They provide mediation services for parents and children and referrals for counseling and therapy. Child Quest International is also very active in education and prevention through TV and radio programs, public service announcements, presentations

at schools, service clubs, and community events, and such services as the S.T.O.P. kidnapping program.

Mr. Speaker, I would like to commend Child Quest International for its dedication to the protection and recovery of missing, abused, and exploited children on this 12th annual observance of National Missing Children's Day.

IN HONOR OF SISTER M. HELEN RITA FOR HER 65 YEARS AS SIS- TER OF ST. JOSEPH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Sister M. Helen Rita, S.S.J., for her 65 years of dedication to God and the community. A 12 noon mass will be held in her honor at St. Andrew's Church on June 4, 1995 with a reception to follow afterward.

Sister M. Helen Rita, a native of Pennsylvania, entered the Sisters of St. Joseph at Chestnut Hill on Sept. 10, 1930. She has been a teacher at the Archdiocese of Philadelphia, PA and Newark. She was also a teacher at the Diocese of Charlotte in North Carolina.

Sister Rita has been a teacher at the St. Andrew School for 29 years. She is a wonderful person who has shared her knowledge and love with those around her. Her dedication to the children is second to none. She has shown the children love, compassion, and understanding.

Sister Rita is a loving and caring person and I am proud to have her as one of my constituents. She has worked hard to mold and shape the young minds of our children. Her tireless efforts and support is very much appreciated.

Please join me in honoring such a great person. Sister M. Helen Rita has been an inspiration to us all. Her dedication and love will never be forgotten. May God bless her and may her wisdom and love be an inspiration to us all.

TRIBUTE TO ROBERT B. LEWIS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize an outstanding teacher, coach, and principal as he retires from the Morley Stanwood school system. On June 5, 1995, Robert B. Lewis will retire from 30 years of service in Michigan junior and senior high schools.

Bob taught classes in industrial arts throughout his teaching career, and students in his classes found they were learning from a truly gifted instructor. Their work was described by other industrial arts instructors as unbelievable. Under his tutelage, students earned award after award at both local and State level competitions constructing canoes, model ships, carvings, and furniture.

But Bob's commitment to Michigan's youth did not end with the end of the schoolday. After the last class bell rang, he spent his time as a coach of both football and basketball

teams. Throughout his career he coached team after team to victory. In Ellsworth, MI, his basketball team finished their 1966 season with 16 wins, 3 losses, and a league championship.

But Bob's capabilities reached far beyond both teaching and coaching, to administration. In 1992, Bob became the principal of Pickford Junior-Senior High School, in Michigan's Upper Peninsula, and here he once again demonstrated his enormous capacity for leadership. During his tenure on the other side of the desk, Bob earned a reputation as an exceptionally fair and clear-minded administrator. Teachers and students alike appreciated and admired his firm but fair approach to discipline as well as his unfailingly caring and generous nature toward his students and colleagues.

Mr. Speaker, Robert Lewis's love for and dedication to Michigan's youth is clear. He has consistently gone beyond what was expected or required to achieve excellence not only in teaching, but also in coaching and in administration. His reputation as a kind, honest, and hard-working public servant will reverberate through the halls of Michigan schools for many years to come. I know you will join me in recognizing his achievements and wishing him a satisfying retirement.

TRIBUTE TO MARLENE HOWARD, BIG SISTER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. PALLONE. Mr. Speaker, in a few days, we will be honoring Marlene Howard on the occasion of her retirement from Big Brothers/Big Sisters of Monmouth County.

Many of my colleagues in the House of Representatives met Marlene during her days in Washington as the right hand to her husband, Jim Howard, former chairman of the House Public Works and Transportation Committee. She is affectionately and respectfully remembered by many in Washington, DC, as a driving force behind many initiatives that resulted in saving thousands of lives and improving the condition of millions of other lives.

Day after day, week after week, Marlene provided the gentle but persistent encouragement that helped Jim Howard gain enactment of anti-drunk-driving legislation, reduction in the speed limit, and other important highway safety measures. As a leader in the Congressional Wives Club, Marlene made sure the other congressional wives lobbied their husbands to vote for these life-saving bills.

She fought for other important causes, including increased funding for mental health programs, human rights and quality television programming for children. Without Marlene's initial and ongoing support, we would not have a flourishing congressional award for young people in New Jersey and elsewhere around the country.

Marlene's involvement in helping at-risk teenagers and children extends back to her days in Washington when she was on the advisory board of the Washington Metropolitan Area Big Sisters. She received the Special Recognition Award in 1982 for her outstanding service as a caseworker and as the most active volunteer on the advisory board. In November a year earlier, she was honored as

Woman of the Year by the Monmouth County, NJ, Big Sisters/Big Brothers where she has worked for 15 years.

Marlene has often quoted the phrase, "One person can make a difference," and she certainly has proven that in her own career of public and volunteer service. There is probably no more of a difficult undertaking than trying to help young people who come from troubled backgrounds. It takes great patience, determination, and love to set many such children on their Journey to productive, happy lives. Marlene certainly devoted herself to those especially heart-wrenching and complex cases and she has made a great difference in the lives of many, many young people.

It would be easy to expound further, but I think Marlene's career can be summed up by paraphrasing a slogan that was also used in a certain congressional campaign 15 years ago: "She cares about people, it's that simple." It's from that caring that so much good has sprung.

TEAM FROM DEAL JUNIOR HIGH SCHOOL BEATS TONY PRIVATE SCHOOLS IN MATHEMATICS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Ms. NORTON. Mr. Speaker, that's a Washington Post headline about one of DC's much decorated junior high schools. Deal's seventh and eighth grades beat such schools as Sidwell Friends and the National Cathedral School in the 1995 MathCounts Contest. We love our private schools, but with public schools, D.C. has something to prove: That our public schools are brimming with smart youngsters and dedicated teachers and principals. A student from Jefferson Junior High, another public school, had one of the four highest scores in the city in the MathCounts contest.

Deal took the citywide mathematics championship the same way athletes win—through intensive training, advanced levels of competition, and diligent preparation. This D.C. public school also excels in many other areas. This spring Deal won both the citywide Spelling Bee and the Geography Bee.

Today, I join my colleagues in congratulating the Deal students, principal, teachers, and parents for their accomplishments, perseverance, and commitment, even beyond the classroom and the required study.

NO RESPECT FOR HUMAN RIGHTS IN INDIA

HON. DAN BURTON

OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. BURTON of Indiana. Mr. Speaker, I rise today to speak about the human rights situation in India. As we have reached the half-way point in our debate on the foreign aid authorization bill, this is a very appropriate time to raise this issue.

Tuesday night, the House approved my amendment to deny development aid to any

nation that votes against the United States more than 75 percent of the time at the United Nations. One of the countries that votes against us at the U.N. 80 to 90 percent of the time every year is India. It is no coincidence that India is also one of the world's worst human rights abusers. For years, I have criticized the atrocities committed by Indian security forces against Sikhs in Punjab, Muslims in Kashmir, and Christians in Nagaland. My strong feelings about this issue is one of the main reasons I offered my amendment. Any country that consistently votes against us at the U.N. and systematically violates the human rights of innocent civilians should not be receiving foreign aid from us.

Indian security forces in Punjab and Kashmir routinely torture political prisoners, gang rape women, and abduct innocent people to demand ransoms from their families. In Kashmir, the army just this month burned to the ground a centuries old mosque during a Muslim holiday. They routinely burn down entire neighborhoods and villages. In Punjab, torture and murder victims are thrown into canals, usually with their hands and feet still tied. Dozens of bodies are found every time a canal is drained for repairs.

Mr. Speaker, we must demand that India respect the human rights of all people, and grant them freedom, democracy, and basic human rights. Until India stops the abuses and begins to vote with us, even occasionally, at the United Nations, we should not be giving that country our foreign aid.

I ask unanimous consent to insert in the RECORD at this point a summary of human rights abuses in India prepared by my office, and a summary prepared by Dr. Gurmit Singh Aulakh of the Council of Khalistan, who has worked tirelessly on behalf of the Sikh people.

DON'T SUPPORT INDIAN TYRANNY WITH AMERICAN TAX DOLLARS

Here are some relevant facts about India and Indian-occupied Khalistan:

India votes against the United States at the United Nations 84 percent of the time, more than any other U.S. aid recipient.

India is helping Iran build up its military arsenal.

HUMAN RIGHTS VIOLATIONS

Indian newspapers recently reported that 25,000 Sikhs were either cremated as "unclaimed bodies" or thrown in canals and rivers.

The White Paper on State Terrorism in Punjab cites S.S. Ray, Indian Ambassador to the U.S., as the "butcher of Bengal" and the "butcher of Punjab."

Over 41,000 cash bounties were paid to police officers for killing Sikhs, according to the US State Dept.

Over 120,000 Sikhs killed since 1984.

Over 150,000 Christians killed since 1947. Over 43,000 Kashmiri Muslims killed since 1988.

Tens of thousands more languish in Indian prisons without charge or trial.

Amnesty International reports hundreds of Sikhs have disappeared.

Asia Watch reports "virtually everyone detained in Punjab is tortured."

Police operate over 200 torture centers (police stations) in Punjab, Khalistan.

Police routinely pick up Sikh youths and demand ransom of tens of thousands of rupees for their safe release. Otherwise, the youths are tortured and killed.

Sikhs who die of torture are listed as being killed in an "encounter" with the police.

Despite the recent repeal of TADA, the other "Black Laws", giving the regime

sweeping powers to detain anyone for any reason and kill Sikhs without fear of persecution, remain on the books.

India has not allowed Amnesty International to conduct an independent human-rights investigation in Punjab, Khalistan, since 1978.

India recently attacked an ancient mosque in Kashmir which houses the mausoleum of the venerated Sheik Nooruddin Wali. In December 1992, Hindus destroyed the Babri mosque in Ayodhya.

In June 1984, India attacked the Golden Temple in Amritsar, the holiest shrine of the Sikh Nation.

The Chicago Tribune reports that a nun was stabbed 36 times by right-wing Hindu fundamentalists. By these actions, India displays its religious intolerance.

The Indian newspaper Hitavada reported in November that the late Governor of Punjab, Surendra Nath, was paid \$1.5 billion by the Indian regime to foment terrorism in Punjab, Khalistan, and in Kashmir.

The State Department says that the human-rights situation is getting worse.

INDIA'S NUCLEAR THREAT TO WORLD PEACE

India has recently announced successful tests of the Akash antiballistic missile, India's equivalent of the Patriot.

India has deployed Prithvi missiles, which have a range of 250 kilometers, on the Pakistani border and has successfully tested other missiles like Agni, Trishul, etc.

Last year, India launched the Polar Satellite Launch Vehicle, which can be made to carry nuclear warheads.

India spends over 20 percent of its research and development budget on the development of nuclear weapons. Only 2 percent goes to education and health.

KHALISTAN'S RIGHT TO SELF-DETERMINATION

No Sikh has ever signed the Indian constitution.

The Sikh leadership declared Khalistan independent on October 7, 1987.

The movement to liberate Khalistan is peaceful, democratic, and nonviolent.

Former Member of Parliament Simranjit Singh Mann has been held in a windowless cell for four months for the "crime" of speaking out for Khalistan.

The Supreme Court of India ruled that asking for Khalistan is not a crime.

According to India Abroad, 96 percent of the Sikhs in Punjab, Khalistan did not vote in India's February 1992 elections there.

India has 500,000 troops in Punjab, occupied Khalistan, alone—more than Britain had in the entire subcontinent during its rule.

Khalistan, Kashmir, and Nagaland continue to be denied their right to self-determination.

India has 18 official languages. It is a polyglot like the former Soviet Union. It is not one country.

HUMAN RIGHTS IN INDIA AT A GLANCE: DISREGARD FOR RELIGIOUS SITES AND FIGURES

May 1995—Indian troops in Kashmir burn to the ground the centuries-old walnut wood mosque in Charar-e-Sharief, along with hundreds of homes around it.

December 1992—Hindu mobs destroy the historic Babri Mosque in Ayodhya as Indian troops stand by and watch.

December 1992—Gurdev Singh Kaonke, one of the most revered leaders of the Sikh religion, is arrested, tortured and killed in police custody.

June 1984—Indian soldiers launch an all out attack on the Golden Temple in Amritsar, the holiest shrine of the Sikh religion. 38 other temples throughout Punjab are attacked, killing thousands of Sikhs.

WHAT HUMAN RIGHTS GROUPS SAY

Asia Watch: "Virtually everyone detained in Punjab is tortured."

Amnesty International: "Torture (in Punjab and Kashmir) and illtreatment is widespread and in some cases systematic, resulting in scores of deaths in police custody."

State Department Human Rights Report (1994): Over 41,000 cash bounties were paid to police in Punjab for extrajudicial killings of Sikhs between 1991 and 1993.

GRAPHIC EXAMPLES OF TORTURE AND MURDER,
PUNJAB AND KASHMIR

Extrajudicial murders of Sikh youth are a common occurrence. Between 1986 and 1994, 6,017 unidentified Sikh victims of Indian police were cremated in the District of Amritsar alone. There are 13 districts in Punjab. It has been estimated that security forces have had over 25,000 unidentified Sikhs cremated or dumped in rivers during this period.

In January 1995, the water level of the Sirhind Canal was lowered for repair work. One dozen bodies of young Sikh torture victims were found at the bottom of just one shore section of the canal with the hands and feet bound. There are hundreds of miles of the canals through the province.

In January 1993, Indian paramilitary forces in Kashmir burnt to death at least 65 Kashmiri civilians in the town of Sopore. Soldiers deliberately set fire to five separate areas of the town. They also dragged shopkeepers out of their shops and shot them in the streets. The torching of entire Kashmiri villages by Indian forces is a common tactic.

In 1994, Sikh activist Kanwar Singh Dhani was imprisoned along with his pregnant wife and son. He and his wife were tortured in front of each other. When the police were unable to extract an untrue confession from Mr. Dhani, they hung his wife up by her heels (she was six months pregnant) forcing her to have a miscarriage.

In Amritsar district in 1993, Indian police brought a Sikh youth they had tortured and thought was dead to the hospital for an autopsy. After the police left, the doctors discovered that the young man was miraculously still alive and revived him. The police returned several hours later after hearing that the man was alive. They took him out of the hospital, killed him again, and brought him back to the same hospital for his autopsy.

KILDEE HONORS DR. NATHIEL
BURLLEY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to a great educator and a great man, Dr. Nathiel Burtley upon his retirement from his outstanding service as Superintendent of the Flint Community Schools.

Since 1988, Dr. Burtley has led the Flint Community Schools as superintendent. Prior to accepting the superintendency, Dr. Burtley served as deputy superintendent in Flint from 1981 through 1988. Before coming to Flint, Dr. Burtley served the Ypsilanti Public Schools for 5 years in both the capacities of assistant superintendent for curriculum and instruction, and as interim superintendent. Dr. Burtley preceded his time in Ypsilanti in the Grand Rapids Public Schools where he was an elementary school principal for 4 years, briefly served as assistant high school principal, and as a speech pathologist. Dr. Burtley has served over 31 years in the field of public education.

A native of Cairo, IL, Dr. Burtley earned a bachelor's degree in 1962 and a master's degree in 1964 from Southern Illinois University. Dr. Burtley then went on to his beloved Michigan state University where he earned a doctorate in educational administration.

Dr. Burtley is truly one of those individuals who has made a difference. Upon taking over the reins of leadership of the Flint Community Schools, he proceeded to work with the community and all employees of the district to review and completely remake the direction of the school system. This was a system that has been a world leader in the arena of community education; but was also a district, like many others, that needed to experience changes in the way it had done things in the past in order to insure the students who graduated were prepared for the world they were about to enter. Throughout the time that change was occurring in the system, Dr. Burtley continuously asked the question "Is it in the best interest of kids?"

Dr. Burtley will truly be missed by all throughout the Flint Community School system. I know his heart will remain with the school district and the future of each of its students.

Mr. Speaker, it is indeed an honor and pleasure for me to rise today to pay tribute to a great American educational leader. I know all throughout the State of Michigan and the city of Flint who know Dr. Burtley, and the entire U.S. House of Representatives, will join me today in honoring a great educator, Nathiel Burtley.

INTRODUCTION OF LEGISLATION
TO OVERRULE THE U.S. SUPREME COURT'S ADAMS FRUIT
DECISION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. GOODLING. Mr. Speaker, today, I am introducing legislation along with several of my colleagues, Mr. FAZIO, Mr. BALLENGER, Mr. ANDREWS, Mr. FAWELL, Mr. STENHOLM, Mr. HOEKSTRA, Mrs. THURMAN, Mr. FUNDERBURK, and Mr. DOOLEY, which would overrule the U.S. Supreme Court's 1990 decision in *Adams Fruit Co., Inc. versus Barrett*. In this decision, the Court held that injured farmworkers may bring a private cause of action under the Migrant and Seasonal Agricultural Worker Protection Act [MSPA], even though the workers had already received workers' compensation benefits for those same injuries.

The implications of the *Adams Fruit* decision are quite troubling as the decision undermines the general principle of the exclusivity of workers' compensation, both in the MSPA context and beyond. The workers' compensation system was designed as a quid pro quo system in which employees forego the right to a tort remedy in exchange for readily accessible relief without questions of liability or contributory negligence. The *Adams Fruit* decision undercuts the bargain that both employers and employees made in participating in the workers' compensation system. By allowing a private cause of action under MSPA, the decision opens employers up to costly litigation and open-ended liability for workplace injuries they

thought they were ensuring themselves against through their payments into the workers' compensation system.

Farmworkers will also suffer under the *Adams Fruit* decision as it removes any incentive for agricultural employers to provide workers' compensation coverage for them. In many States, coverage of farmworkers remains optional and the decision provides employers little reason to exercise that option. The uncertainty of a private cause of action is not a substitute for the accessibility and sure relief of workers' compensation.

When MSPA was passed in 1982, it received bipartisan support from agricultural employers, organized labor, and farmworker representatives. That coalition would hardly have held together had it been intended that MSPA would provide a private cause of action for workplace injuries that would supplement any recovery under the workers' compensation system.

The legislation which I am introducing today would effectively overturn the *Adams Fruit* decision and provide that a farmworker could not bring a private cause of action under MSPA for actual damages for a workplace injury, but would be limited to the remedies available under the State workers' compensation scheme. A farmworker would still be entitled to bring an action for statutory damages or an injunction based on a MSPA violation.

By reversing the *Adams Fruit* decision and recognizing the importance of the exclusivity of workers' compensation, this legislation returns to the original congressional intent in enacting the MSPA remedial scheme. This legislation is good for farmworkers and for agricultural employers and I urge my colleagues to support it.

MEMORIAL DAY

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. DICKEY. Mr. Speaker, from the steps of the Capitol Building and across the Potomac we see the thousands of men and women who lay at rest, silenced by guns of war.

We, the beneficiaries of their sacrifices, cannot adequately praise these fallen veterans by merely uttering words. It takes a commitment by Members of Congress from both sides of the aisle to follow through with promises to those who have served and who currently serve our country.

This Memorial Day weekend, we should recognize a disturbing change in our Nation. There is a sense of resentment among our veterans today. They feel as though they are not held in the same light they once were. Benefits guaranteed to them are now targets for elimination.

The military traditions that kept ours the most resilient fighting force in the world seem to be forgotten by many of their civilian leaders. And many of those same leaders view the military as a place for social experiment.

If we allow this to escalate, we will not maintain our esprit de corps which is so vital to cohesiveness in combat; nor will we feel good about ourselves.

Because few of us have actually experienced the pressures of battle, we must continually look to the military professionals for guidance in building and maintaining our defense capabilities.

This goes well beyond promises of health care or other monetary benefits. It includes encouraging veterans, and active duty service members and reservists to obtain higher education and to instill a sense of self-esteem which will enable them to grow and prosper in the society they volunteered to defend.

As a veteran in my district, Warren Watts, writes in a letter to me:

We call upon you, the leaders we elected for justice and fairness for disabled veterans and their families.

We must listen to my friend, Warren, and other veterans across our country. They are turning to us for help.

For Memorial Day, let us not forget those who fell in combat to preserve our freedoms. Moreover, as we walk among their graves, consider how we can show our respect for the survivors.

TRIBUTE TO HUGH HART

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. FROST. Mr. Speaker, after a long career of public service with the House of Representatives, Hugh Hart will retire as House Journal clerk in June. A native of Texas, Hugh came to work for the House when John McCormack was Speaker 28 years ago.

I first met Hugh when he was administrative assistant to the late Dallas mayor and Congressman, Earle Cabell. Earle and his popular late wife, Dearie, were very warmly welcomed by the Texas delegation in Washington when they arrived in 1965. Earle had been a dynamic and energetic Dallas mayor after having a successful business career. He brought that enthusiasm with him. Hugh came along to work for him later that year.

Hugh has had close ties to Dallas through the years. While attending Southern Methodist University and its law school, he came to now its distinguished late President Willis Tate. Dr. Tate recommended Hugh to Earle Cabell for a summer job. After completing his U.S. Army Reserve training with the Army Intelligence Branch, he started to work for Earle.

The late Associate Justice of the Supreme Court, Tom Clark, was fond of administering oaths of office to young Texans who passed the State bar examination and could not be present for the Austin swearing in ceremony. He gave the oath to Hugh. Later in retirement, justice Clark moved Hugh's admission in person to the U.S. Supreme Court.

When Dearie and Earle returned to Dallas, Hugh practiced law there briefly before returning to Washington. He joined President Gerald Ford's Clemency Board as a Staff attorney. Later he was on the staff of the Commission on Information and Facilities headed by former Texas Congressman Jack Brooks.

In 1978, Speaker Thomas P. "Tip" O'Neil presided over the House and Hugh was appointed House Journal clerk.

In addition to his professional duties, Hugh has been very active in community service. He

has worked diligently in his parish, St. James Episcopal Church on Capitol Hill, for nearly 20 years. For several years, he has been a member of the Washington Episcopal Diocesan Personnel Committee. A trustee of the Canterbury Cathedral Trust in America, he has assisted in its programs with Canterbury Cathedral in England.

A cause which has especially interested Hugh is the Most Venerable order of the Hospital of St. John of Jerusalem. This is an organization in England and the United States which supports an ophthalmic hospital in Jerusalem. The hospital serves 60,000 patients a year in one of the most troubled areas of the Middle East. Hugh has worked to expand the order's outreach and membership in Dallas and Texas, as well as the Washington area.

Like any good Texan, he has also put his shoulder to the wheel for the Texas State Society of Washington as treasurer, board member and chair of various committees. No one who was there can forget the early society picnics.

As Hugh moves on to the next stage of his life, his friends in the Texas delegation and the House of Representatives wish him well and thank him for a job well done.

ACDA IS NOT A COLD WAR RELIC

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Ms. FURSE. Mr. Speaker, I rise to express my support for the Arms Control and Disarmament Agency as we consider its fate during our discussion of the State Department authorization. Arms control and nonproliferation are not new or old. They have always been necessary and will continue to be for the foreseeable future. Merging ACDA into the State Department is neither cost-effective nor wise.

To say that the cold war is over and therefore, there is no need for an agency that devotes itself exclusively to arms control and nonproliferation denies the reality that arms control is not just negotiating the agreement. It is also implementing it, verifying it, and monitoring compliance with it. These are not just hollow words, but activities that require considerable expertise and diligence.

Only by having an independent agency purely devoted to arms control and nonproliferation can we get the best agreements and the best management of the process, thereby enhancing our national and economic security. ACDA is a national security asset and a bargain, working to make the world safer.

ACDA has been very helpful to me in my work on issues involving nuclear testing and reducing the world's arsenals of nuclear weapons. Its expertise is vital as we seek to gain approval of START II, negotiate a Comprehensive Test Ban Treaty, and eliminate chemical weapons.

Finally, Mr. Speaker, ACDA leads the successful effort to secure permanent extension of the Nuclear Nonproliferation Treaty [NPT]. We would not have the NPT today if it were not for ACDA. The security and protection against nuclear proliferation provided by the NPT benefits all Americans. Let's not weaken ACDA just days after this momentous achievement. Our Nation's security can't afford it.

PREPARING FOR A CHANGING WORLD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. PASTOR. Mr. Speaker, on May 13, 1995, the College of Santa Fe held its graduation ceremonies in Santa Fe, NM. The principal speaker was Congressman BILL RICHARDSON, who spoke to the graduates on preparing for a changing world. I commend to you the Congressman's address by placing it in the RECORD as follows:

CONGRESSMAN BILL RICHARDSON—SPEECH BEFORE THE COLLEGE OF SANTA FE—MAY 13, 1995

President Fries, Dr. Lawrence, distinguished members of the faculty, family members, and especially the graduating class of 1995: I am very pleased to be here with you today as you graduate. Be proud of yourselves and cherish this day. There are few accomplishments in life that will bring you more fulfillment and prosperity than education.

Everyone is talking about welfare, the budget, Russia—but I want to talk about education.

Education is the single most important factor in determining the success of an individual life or a community. When I use the word success, I mean more than economic gain: the ability to enjoy family and friends; to create art, and music; to help your community solve pressing problems—all are made possible by education, and all are characteristics that benefit the communities in which we live.

People say that everything comes down to economics—but I believe that education is really the key to what we are and where we are going.

Our world is changing rapidly, and education must change with it. Learning should be continuous, occupationally relevant, and it should function transnationally.

New Mexico doesn't just compete with Texas or California—we compete in new ways with eastern rim nations, countries that were formerly behind the Berlin Wall, and South Africa.

Today, information moves at an incredible rate of speed. When I was in college, the knowledge gained by an engineering student remained valid for 20 years after graduation. Today, it is estimated that the facts college freshmen learn are obsolete by the time they graduate.

Education should reflect these rapid changes.

As a nation, America believes that good education is fundamental, but there are some uncomfortable realities that we must accept. Students in the United States are consistently outperformed in science and mathematics by students from Asia and Europe.

In New Mexico, only 14% of 8th graders perform at a proficient or advanced level in math—while twice as many students perform at these levels in Taiwan, Korea, and Switzerland.

These test scores are significant because the employment growth rate for scientists and engineers is 112%—four times the growth rate for managers. Future prosperity for many young people depends on their abilities in math and science.

Why do our students test poorly? Well, there are fundamental differences in education abroad that we can learn from.

First of all, countries overseas are more successful in assuring that the majority of

children begin school in good health and so, are ready to learn.

Children should have complete immunizations, maintain a nutritious diet, and receive adequate medical care in order to do well in elementary school.

Today, only half of American children enter school with complete immunizations, only half of low income children have seen a dentist, and only one-quarter of preschoolers maintain a nutritionally sound diet.

We must see that our children are ready to learn when they enter school.

Second, students in other democracies receive twice as much instruction in core academic subjects, such as language, literature, math, science, and art. A student in Germany devotes 35-hundred hours to core subjects in 4 years of high school, while a student in the United States spends only 14-hundred hours on those same subjects. We should reaffirm our commitment to teaching core subjects.

In most systems abroad, students learn one, and often two foreign languages. I believe that every American child should be required to study and speak at least one foreign language. We are one of the most diverse countries in the world, yet we discourage communicating cross-culturally.

This is not logical, but more importantly, it is not productive. Becoming bilingual is an asset, not a burden. It is likely that today's students will be required to converse in a number of foreign languages in the business world, and in their neighborhood.

A recent survey confirms this—40% of big business executives hire people who speak Spanish, and here in the Southwest two-thirds of companies surveyed say they need Spanish-speaking employees. We must prepare students for these opportunities. Foreign languages should become core curriculum for all students.

New technology and computer skills must also become core curriculum. The number of online information users in the United States is expected to double from 10 million in 1995 to 20 million in 1997.

Young Americans simply will not succeed in the working world without computer knowledge, and we should be preparing students for that every day in school.

Teleconferencing technology can be used to bring students information that their instructors are unable to provide.

The University of Texas is experimenting with this process to reach the children of migrant farm workers. Migrant children are able to travel with their families, but receive diplomas through correspondence and teleconferencing.

The medical community has also begun this process by bringing rural doctors new scientific data and procedures via teleconferencing. It has improved the delivery of health care in many regions in the country including New Mexico. Our local school districts should be using it to enhance their existing curriculum.

School and public libraries should be on the internet. Recent legislation provides user fee discounts for local educational units; let's take advantage of that. Our libraries can again become the community learning centers they once were.

The technology curriculum should include improved vocational program for students who do not attend college, or may otherwise drop out of school.

Our high-school drop-out rate is increasing, even though children need a completed education now more than ever. In New Mexico, 1 in 3 high school freshmen who start school will not graduate.

Many may find crime a more profitable path to take.

As our continuing debate on welfare reform indicates, we are disheartened by this.

Our ability to move people from welfare to work depends in large measure on the availability of programs for young adults while they are in school.

Germany alternates classroom instruction and apprentice programs with great success. Such programs were quite prevalent in America in the 1940's and 50's, and they put people to work.

We should modernize the idea for the 1990's to include emerging opportunities in robotics, health professions, and communication systems.

Many foreign cultures continue their work with students after school. For instance, the use of tutors is prevalent in Japan where 35,000 professionals work as tutors and earn \$2,500 per child, per year.

Americans typically use tutors only when problems arise and just passing a course is questionable. This is revealing: our expectations may hover at mediocrity, and the value we place on hard work may be slipping.

Here in New Mexico, local schools have begun a program in which scientists from Los Alamos will teach children on an ongoing basis about their research, and about working in a science field.

These are programs that energize the learning process and create successful students. We should work to make these programs prevalent in all schools. Foreign schools and some schools here in New Mexico are experimenting with extending the class period to longer blocks of time. Many students need extended periods to grasp complex subjects; learning and creativity may be frustrated by an arbitrary end to discussion.

Also, many schools abroad group students according to ability, needs, and experience rather than by age. American college and postgraduate programs operate on this basis; perhaps it is time to experiment with the concept in early education.

There is also a strong outcry today that children aren't being taught a system of values in school. It is a touchy subject because our values are personal, and they sometimes conflict.

But we cannot ignore the facts—teenage crime and drug use are rising. Educators have proposed teaching leadership skills, the importance of honesty, and mutual respect in the classroom. Surely we can agree that these are desirable character attributes. Let's support efforts to bring them into the classroom.

Studies consistently show that family involvement in a child's education is the single most important factor in determining the success of that child's performance in school. Schools should seek family involvement in defining and teaching a clear set of values.

Our educators should be treated as valued professionals, as they are in foreign systems. The impact our teachers have on the nation's young people cannot be overstated.

For many families, teachers spend more time with our children than any other adult. At the college level, professors are guiding students who may one day discover the cure for cancer, or create a great symphony.

We should elevate educators' status to reflect the important work that they do. They should be paid as professionals. Two countries that consistently out-score Americans on tests, Switzerland and Japan, pay their secondary teachers far more than the United States. If we are willing to pay our accountants and lawyers well, we should be equally willing to pay out teachers.

Teachers and their schools should be rewarded when their students' performance improves. Incentives such as this have worked well in other professions; it's time to try them in education.

Post secondary and graduate education should be affordable to any student with the ability and desire to attend.

There is no surer route to creating a permanent underclass in America than by denying college education to vast numbers of middle and low income people.

Access to education has, for 200 years, been the fundamental reason we can say "you can be anything you want to be in America." We are recognized around the world for this principle, but it is at risk.

Income level rises in direct proportion to the amount of advanced education an individual has. High school graduates earn less than one-third of the salary that college graduates do. However, college tuition costs continue to outpace inflation, and low cost financing is threatened.

We must do all we can to preserve low-interest loans for students, establish additional work-study programs, and create new grants to ensure that students from all walks of life can pursue a college education.

Businesses should consider providing assistance to promising employees. In 1991 30% of all U.S. Workers received some sort of employment benefit for education. However, the number of minorities who received these benefits was lower: only 21% of African Americans and 25% of Hispanics reported receiving education benefits.

We must raise these numbers for all employees to ensure a healthy, competitive economy.

College schedules should become more flexible. Part-time students are the fastest growing population in baccalaureate programs. They comprise approximately 40% of current college enrollees. We should accommodate their work or home schedules to ensure graduation.

We provide less education financing for part-time students: only 10 percent of part-time students receive federal grants, while 30 percent of full-time students receive grant money; only 6 percent part-time students receive federal loans, while 29 percent of full-time students receive loans.

In effect, we create disincentives for working people or people with responsibilities in the home to attend college.

Technology can help improve prospects for those who seek college degrees. Our cable television and communication system should be used to its greatest capacity to allow working people to attend class from their homes, at low cost. Some regions are experimenting with this concept. Let's make it a universal option.

We must also enlarge our continuing education programs. Continuing education can prepare high school students for skilled work, and increases the ongoing employability of college graduates.

Good education ultimately requires community involvement. I'm sure many of you have heard the African proverb "It takes an entire village to raise a child." I believe that is true, particularly with education.

The community must take an interest in its educational system, and should be willing to invest in programs that will pay dividends in the long run. Also, a good educational system would instill a sense of community responsibility in its students. Students should be encouraged to become involved in improving the school and the community.

You know that one of the primary means I have for keeping in touch with New Mexicans while I am in Washington is through your letters. I receive on an average 200 letters a week. One recent letter stands out in my mind. It was from a young father in New Mexico. He and his wife worked minimum wage jobs. They had no health care insurance.

They like so many other young families are teetering on the edge of American's middle class and poverty—yet this father's greatest concern for the future was not the

budget deficit, lack of health care, or jobs. His greatest concern was his 4-year-old daughter, Erica.

How can we ensure that Erica and all other American children will be safe, secure and successful in this changing world?

The answer is we must build an education system that makes sure Erica is healthy and alert; has the basic skills to compete with youngsters from all over the world for high technology jobs; and most importantly, our education system must give Erica access to the continuing education and knowledge that she will need throughout her lifetime.

Erica's small rural school in New Mexico and schools like hers all over our country must have the ability to keep up with the changing world.

My charge to you today as you begin a new life is this: Please don't stop educating yourself. Make it a lifelong pursuit. And just as important—please care for your community's educational system so that children like Erica have that same opportunity in the years to come.

Thank you and congratulations.

TRIBUTE TO CLAUDIA M. KNIGHT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Claudia Knight. Claudia is retiring after nearly 35 years of personal and professional devotion to public education. Tomorrow evening, Friday, May 26, 1995, the Macomb County Section of the National Council of Negro Women is honoring Claudia during their Annual Scholarship Banquet.

For the past 25 years, Claudia has been teaching in my home community of Mount Clemens, MI. During her tenure with the Mount Clemens school district, Claudia has applied her talents to teaching business education courses and managing the business education department. In addition to serving in numerous leadership and school improvement capacities, she has received recognition from the Michigan Business Education Association, the Macomb County Board of Commissioners, and the Mount Clemens community schools.

Taking an active role in one's community is a responsibility we all share, but few fulfill. Claudia Knight has devoted herself to this task through both her civic and professional endeavors. Her commitment to education is second to none and yet she volunteers much of her time to civic and social organizations. The Girl Scouts of America, the Michigan Council of the Arts, the Macomb Child Guidance Clinic, and many other groups have all benefited from Claudia's passionate commitment to excellence.

Claudia also serves on the Scholarship Funding Committee of the National Council of Negro Women (NCNW). Through her work with the NCNW, students who may not have had a chance to receive an education will now have that opportunity. I applaud Claudia for her efforts and hope that her commitment to education will be passed on to a generation of students who are just as dedicated.

I have known Claudia for many years and I am sure she will be missed by both her colleagues and students. She richly deserves all the best in retirement. I ask that my colleagues join me in offering heartfelt congratula-

tions and a sincere thank you for a job well done.

THANKS, CELEBRITY READERS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I am honored to ask my colleagues to join me in congratulating an important program in the 10th Congressional District of New Jersey, the Celebrity Read Program. The program asks adults, both famous and not so famous, to come into the school system and read a passage to students about an important historical event involving people of color. The program then asks the participants to share a few of their life experiences with the class.

The program this year had 400 adult participants read to over 10,000 youth. In the past, readers have ranged from former New York Giant football players Harry Carson, Joe Morris, and George Martin to Superior Court judges to jazz singer and Broadway star, Carrie Smith. However, one of the most important components of this program is that the definition of celebrity is not limited to the narrow, superficial denotation that most might think; on the contrary, in this program, local business people, entrepreneurs, and everyday citizens are considered celebrities. In fact, one of the program's credos is that "people from all walks of life and at various levels of accomplishment can serve as a source of inspiration to our inner city youth."

It warms my heart that in the 10th Congressional District of New Jersey there are organizations that are acting on the phrase "I believe the children are our future" by doing something to help them become prepared for that future. Thank you to the Celebrity Read Program and to the 400 celebrity readers for taking the time to nurture and cultivate our leaders of tomorrow.

Thank you, Mr. Speaker, for allowing me this opportunity to share with my colleagues some of the exciting things we are doing in New Jersey to solidify our Nation's future.

TRIBUTE TO MORTON GOULD

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. BERMAN. Mr. Speaker, I wish to extend my congratulations to a great American, Morton Gould, who was recently honored with this year's Pulitzer Prize for music composition, adding yet another great honor to a career filled with achievement and distinction.

Mr. Gould has been a musician since he was able to touch a piano. A child prodigy, he published his first composition at the age of 6, and by the age of 21 was conducting and arranging a weekly series of orchestra radio programs for the WOR Mutual Network. In a career that has spanned the greater part of this century, he has become famous for music which sings with a uniquely American voice; his compositions have integrated folk, blues, jazz, gospel, and other elements into music

that both explores and elevates all aspects of American style.

Appropriately, this composer of truly American works was honored with three commissions for the celebrations of the bicentennial of our Nation in 1976. These were his Symphony of Spirituals, American Ballads, and Something to Do.

He has appeared with and conducted orchestras across the United States and the world, and his compositions have been played in countless concerts, danced by the finest ballet companies, sung in Broadway theaters, and most importantly, enjoyed by all.

His skill as a musician is matched by his warmth and humor in person. His friends marvel at the way he can tell a story with the same grace with which he conducts an orchestra.

His talents have been recognized long before his receipt of the Pulitzer Prize. The numerous awards he has received include a Grammy Award and 12 Grammy nominations, the 1983 Gold Baton Award presented by the American Symphony Orchestra League, and the 1985 Medal of Honor for Music from the National Arts Club. In 1986 he was elected to the American Academy of Arts and Letters and received the National Music Council's Golden Eagle Award, and in 1994, he received the prestigious Kennedy Center Honor for a lifetime of contributions to the performing arts. I am happy, but in no way surprised, that Morton Gould and his music have been honored again.

TRIBUTE TO GEORGE ADAMS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. OXLEY. Mr. Speaker, I would like to take this opportunity to recognize an exemplary citizen from the Fourth District of Ohio, George Adams. George is retiring after serving as the principle of St. John High School in Delphos, OH, for 15 years. During his quarter century of service, over 1,750 students have graduated from St. John, benefiting from George's enthusiasm and commitment to the young people of his school and community. Among numerous other educational organizations, George has donated his time to the Ohio Association of School Administrators and the Ohio Education Association. His service extends beyond his work with the Delphos schools. As the father of four children, George provides a fine example of citizen combining service to his community with family life. Having served on the board of trustees of the St. John Parish Foundation, the Bishop's Education Council, and the Knights of Columbus, George has proven extraordinary benevolence to his church. I would like to thank George for his service to both St. John High School, and to the Delphos community. Through his earnest dedication, George serves as a role model for each citizen.

HATS OFF TO STANDARD STEEL

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the Standard Steel Co. as it celebrates 200 years of continuous operations. Standard Steel, a division of the Freedom Forge Corp., is one of the largest employers in my congressional district and the oldest steel manufacturer in Pennsylvania. Located more specifically in Burnham, Mifflin County, PA, Standard Steel has been providing both quality jobs and quality products in the Keystone State for the past two centuries.

It all started in 1795 when a tiny frontier forge was founded in the hills of central Pennsylvania. From this meager beginning Standard Steel has grown as a company, as America has grown as a nation. Today, the company is a leading producer of forged products and specialty steels. With locations in Latrobe and Burnham, PA, Standard Steel employs over 1,600 people. Over the years, employees at both locations have earned a reputation for their work ethic and steadfast commitment to the manufacturing of a high-caliber product.

Mr. Speaker, in honor of Standard Steel's two centuries of excellence Mifflin County and the Borough of Burnham have declared the week of May 28–June 3 as Standard Steel Week. As the company celebrates its 200th birthday this week, it is my great honor to rise today to pay tribute to all of those who have helped to make Standard Steel what it was, what it is, and what it will be.

INTRODUCTION OF THE ENDANGERED SPECIES RELISTING ACT OF 1995

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. DOOLEY. Mr. Speaker, I rise today to introduce the Endangered Species Relisting Act of 1995. I represent the most productive agricultural region in the entire country, and as such, we have experienced our fair share of frustration with the Endangered Species Act. Of the 944 U.S. species currently listed as endangered or threatened, my home State of California has 107 of these listed species.

This bill is not intended to be a comprehensive reform of the Endangered Species Act, but rather a focused approach to address specific issues that I believe must be a part of the debate on reforming the Endangered Species Act. I would like to take this opportunity to explain my legislation.

First, I think it is very important that we not only amend the process for future listings of species, but that we ensure that those species already on the list meet a level of scientific scrutiny. For that reason, my legislation requires relisting of all species now on the threatened and endangered list. The concept is simple. If the science is there, the species can stay on the list. If the science isn't there, it come off. One of the most disturbing aspects of the current listing process is that a species like the San Joaquin kit fox, which

was originally listed in 1967, was placed on the list with little or no scientific information.

The second concept in my proposal is to require peer review of all science used in all stages of the listing and delisting process. This is a simple concept that merely ensures that one scientist or group of scientists doesn't unilaterally make decisions on a species. I think that this concept has been embraced by nearly all involved in the ESA debate.

The next concept deals with the development of recovery plans. I believe that recovery should be the cornerstone of the Endangered Species Act. Leaving species on the threatened or endangered list for 30 years is not a productive way of protecting important species. I believe we must make a determination of whether a species can be recovered and implement a plan quickly. Without a timeline for recovery, landowners are left in a situation of not knowing what can and cannot be done on their property and how long these restrictions will last. My proposal would require the development of a recovery plan within 12 months after the listing of a species. More importantly, it would require the Secretary of the Interior to consider multiple recovery plans and to choose the least cost alternative. This provision is based on a provision of the Clean Water Act. It allowed for the development of a historic agreement on the bay-delta in California.

Finally, my proposal address the issue of incidental take. As you know, under current law, a landowner must apply for an incidental take permit. This can be a long and frustrating process. However, without a permit, any destruction of critical habitat or killing of a listed species constitutes a violation of the law regardless of the intent of the landowner. This section of my proposal attempts to allow landowners to engage in certain activities that may result in the incidental take of critical habitat or a listed species without being subject to action under the ESA, without going through the present onerous permit process.

As I stated earlier, the current endangered species list has well over 700 species listed. However, according to the Fish and Wildlife Service only 17 species have ever been removed from the list—and some of these have been removed because they became extinct, not because they were recovered. It seems that progress on recovering species is, at best, ineffective. At worst, the recover portion of the Endangered Species Act seems to be nonexistent.

I hope that we will be able to make responsible reforms to the ESA to ensure that significant species are protected, while balancing the economic and social costs of such protection. I want to be able to point to an ESA that actually accomplishes the recovery of species and gives landowners some certainty of the availability of land for continue and future use.

MEMORIAL TO SEYMOUR B. DURST, FATHER OF THE NATIONAL DEBT CLOCK

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. MINGE. Mr. Speaker, I would like to take a moment to recognize the passing of a

remarkable person and dedicated citizen, Mr. Seymour Durst. the son of an Austrian immigrant, Seymour Durst became a successful developer of commercial real estate in New York City. But he will probably be best remembered as the individual responsible for installing the national debt clock in Times Square in New York City in 1988. Due to his intense personal commitment to making all Americans aware of the silent and evergrowing danger of our national debt and its attendant interest costs, Mr. Durst sponsored the national debt clock from his private means from 1988 until today. In honor of his dedication to keeping citizens conscious of the national debt, the national debt clock will remain in Times Square as a reminder of our responsibility to our children and our country.

RECOGNITION OF CARECEN'S COMMUNITY LEADER AWARDS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Ms. ROYBAL-ALLARD. Mr. Speaker, I would like to congratulate the 1995 Central American Resource Center's [CARECEN] honorees: Joe R. Hicks, Inquilinos Unidos, R. Samuel Paz, and the law firm of Loeb & Loeb.

Joe R. Hicks is the executive director of the Southern Christian Leadership Conference of Greater Los Angeles. CARECEN is honoring Mr. Hicks for his leadership in the struggle against prejudice and inequality, and for building bridges among the diverse racial and religious groups in our community.

Inquilinos Unidos—United Tenants—is being honored for helping organize low-income tenants in the immigrant community, and for empowering them to improve their living conditions.

R. Samuel Paz, a distinguished Los Angeles civil rights attorney, is honored today for his courageous defense of and advocacy for civil and human rights of immigrants and all victims of oppression and injustice.

The final honoree, Loeb & Loeb, a full service international law firm of 200 attorneys, is being honored for its dedication to public interest and the betterment of our society, and for its generous pro bono legal service to CARECEN.

Again, I congratulate these honorees and I join CARECEN in expressing my gratitude for their role in improving the quality of life for the people of the city of Los Angeles.

OFFICE ON WOMEN'S HEALTH

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mrs. MORELLA. Mr. Speaker, today Congresswoman Nita Lowey and I, together with 14 of our colleagues who serve on the executive committee of the Congressional Caucus for Women's Issues, introduced legislation to establish permanent statutory authority for the Public Health Service Office of Women's Health.

With this bill, we hope to create an enduring structure within which the current well-documented ongoing needs and gaps in research,

policy, programs, and education and training in women's health will continue to be addressed. It will ensure that important initiatives—in breast cancer detection and eradication, in the promotion of healthy behaviors and disease prevention, in improved public information about women's health, in better informed health care professionals, among others—will reach fruition.

Senator OLYMPIA SNOWE has introduced similar legislation in the Senate. Our bills are similar to the measure adopted by both the House and Senate last year, but that did not achieve final passage.

Mr. Speaker, the Public Health Service's Office on Women's Health, established within the Office of the Assistant Secretary for Health in 1991 by the Bush administration, is the focal point for women's health activities in the Department of Health and Human Services. By administering crosscutting initiatives across the PHS, the OWH is able to fill gaps in knowledge, and to initiate and synthesize program activities in ways that no other single PHS agency or office could accomplish alone.

I urge my colleagues to join us in supporting this important legislation.

THE LIVESTOCK GRAZING ACT OF 1995

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mrs. CUBIN. Mr. Speaker, I rise in support of the Livestock Grazing Act of 1995 and urge my colleagues that if they have not already done so to cosponsor this important legislation.

Mr. Speaker, as with most bills that are introduced in this body, this legislation is not perfect; it could use a bit of fine tuning. But we must start somewhere if we are to defeat Rangeland Reform 94 and provide long-term stability for the Federal lands livestock industry and rural communities across the West. The Livestock Grazing Act of 1995 gives us just one more opportunity to deliver on our promise to change the way the Federal Government manages our public lands and turn more of that responsibility over to the States. We can and should act now to pass this legislation; unless we do so by August 21, the entire livestock industry is at risk.

I would also like to point out that for quite some time the Wyoming public lands management model had divided the stewards that live on the land and the communities whose economies are dependent on that resource. But after having reviewed this proposal in some detail, I am pleased to report that those same divided factions have endorsed this grazing proposal for the good of the whole. They have told me in the strongest of terms that "the act may need a little work, but it is far superior to rangeland reform." I could not agree more and will do everything I can to see that this bill is enacted into law.

This bill is the product of many hours of work by various National and State representatives of the livestock industry, and numerous Members of Congress and their staffs and I thank them for their efforts. I would particularly like to thank all of those in Wyoming who took time out of their busy schedules to come to

Washington to work on this bill. It is a good bill and I hope that we will move it swiftly through Congress.

MEDICARE FUNDING

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. MARTINEZ. Mr. Speaker, I rise today to denounce the mean-spirited and destructive proposals to slash funding for the Medicare Program. Medicare provides many of America's seniors with their only source of health insurance.

In showing their total lack of concern in this area, Republicans have proposed cutting Medicare spending by nearly \$300 billion. Let me say that again, \$300 billion. These cuts would result in a drastic 25-percent reduction in Medicare spending by the year 2002. These unprecedented reductions in Medicare spending would certainly damage seniors' access to health care and the quality of care they receive.

Never in my time in Congress have I seen such a total disregard for the needs of seniors. If these cuts are enacted at the completion of the budget process, we will not only be harming current Medicare recipients, but also the many other hard-working Americans who have been planning their retirement with the current level of Medicare benefits in mind.

I implore my colleagues on the other side of the aisle to realize the misguided and mean-spirited nature of their proposal. When we do consider legislation to enact these cuts, I ask all my colleagues to consider: Is it right for Congress to target honest, tax-paying senior Americans in their drive to lower taxes for corporate moguls?

LEGISLATION TO PROMOTE FAIR FRANCHISING

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. LaFALCE. Mr. Speaker, I am today introducing legislation, H.R. 1717, to address serious problems in the promotion and sale of franchise businesses and in the conduct of franchise business relationships. The legislation incorporates key proposals from bills I introduced in the 103d Congress.

We have heard a great deal this year about the problems and burdens confronting small business owners and about the many shortcomings of our legal system. Nowhere are these two problems more pronounced than in business franchising.

The large majority of franchise owners have invested much of their life savings to acquire and build their business. They work hard, play by the many rules imposed on them by franchisors, and contribute significantly to the success of national franchise systems. And yet, these owners lack the same basic rights and legal remedies enjoyed by all other business persons to assure they will not be victimized by unfair or fraudulent practices and have equal opportunity to share in the rewards of the American dream of business ownership.

Business franchising has become a major force driving the expansion of our service economy and the growth of new small business. The growing franchising sector of the economy encompasses more than a half million businesses, employs more than 7 million workers and accounts for more than \$900 billion in annual U.S. retail sales. Thousands of American families invest in franchises each year to pursue dreams of business ownership and economic independence.

I find it unbelievable that a sector of our economy this large and with annual sales nearly equal to our Nation's annual expenditures for health care—a topic which dominated much of our debate in the last Congress—could continue to be almost devoid of governmental regulation and congressional oversight. We have no Federal laws governing the sale or operation of franchise businesses and the only regulatory procedure at the Federal level, the FTC's franchise disclosure rule, is outdated and inadequately enforced. Only a handful of States have laws or regulations governing franchise sales and practices, and most of these now defer to the Federal Government for enforcement.

Unfortunately, the result is that increasing numbers of franchise investors are finding their dreams of business ownership shattered by franchise promoters who never fulfill their promises to help build successful business or by large corporations more intent on saturating the market with new franchises than on assuring that these franchises are profitable. Rather than owning a business, many find they have merely purchased low-paying management jobs with few of the protections and benefits they had as employees. Others lose their savings, retirement, and even their homes in fraudulent franchise ventures.

These problems stem, in large part, from the fact that Federal and State law have failed to keep pace with the rapid development of franchising and offer franchisees little, if any, viable legal recourse against fraudulent and abusive conduct by franchisors. Franchise contracts are written to preempt every legal remedy available to franchisees. As the chair of the American Bar Association's Franchise Forum told the Small Business Committee, indemnification provisions are drafted so broadly as to protect franchisors even "for the franchisor's gross negligence, wanton recklessness and intentional misconduct."

Procedural devices also are routinely employed to bar legal actions, to deny coverage of protections in State laws and to make litigation inconvenient and costly. Even basic principles of common law applicable to all other business relationships—concepts such as good faith, good cause, duty of competence and due care, and fiduciary responsibility—continue to be debated and denied within franchise relationships.

In short, a growing segment of the American population is routinely required to forego basic rights and legal remedies just because they choose to become franchisees.

Equally serious problems in franchising also result from inadequacies in Federal and State standards for disclosure of material information about franchise opportunities. Each year thousands of prospective franchisees are induced to make one of the most important investments of their lives with information that is incomplete and misleading. Documented information on franchise sales and profits is rarely

provided to prospective investors and critical information on past litigation, business failures and ownership turnover is often withheld or misrepresented.

Federal and State officials report that fraud in franchise sales is widespread and far exceeds their enforcement capabilities. The Federal Trade Commission has reported on several occasions that it receives far more complaints regarding franchise violations than it can pursue and acknowledged that "there are many victims with meritorious complaints, against franchisors, whom State and Federal agencies simply cannot help." And individuals have no right of action under Federal law to protect themselves against even blatant violations of disclosure rules.

In addition, there is a surprising dearth of objective and accurate statistics on franchise business performance that has permitted the franchising industry to promote itself and individual franchise opportunities with inflated and unsubstantiated claims of franchise success intended to make franchises appear uniformly successful and virtually risk free.

The bill I am introducing today, the Federal Fair Franchise Practices Act, addresses all these problems and does so in a manner intended to avoid Government regulation of franchising practices and to enhance private remedies to allow individual franchise owners to protect their legitimate financial interests in a court of law.

H.R. 1717 would promote greater fairness and equity in franchise relationships by establishing minimal standards of conduct for franchise practices, prohibiting the most abusive acts by franchisors, clarifying the legal rights of franchise owners and nullifying procedural devices intended to block available legal remedies.

In addition, H.R. 1717 incorporates basic prohibitions against fraud, misrepresentation, and discrimination elsewhere in Federal law and applies them to franchise sales and business practices. It provides a private right of action for violations of FTC disclosure requirements—something the FTC has requested for 15 years. In addition, the bill provides for the collection of data on franchising, beginning in the 1997 Business Census, to provide the public with comprehensive and more accurate statistical information about franchising and franchise business performance.

A number of important changes have been made in the legislation from the bills I have introduced in prior Congresses. On the critical issue of encroachment by a franchisor on the business of existing franchisees, the bill has been modified to provide franchisors with a number of nonjudicial procedures to address franchisee complaints equitably and without costly litigation. The bill clarifies the obligations of franchisors and franchisees following the acquisition of a franchise system by third parties and it provides State attorneys general with the option of filing suits to protect residents of their State from violations of the act.

Mr. Speaker, franchising has undergone tremendous growth in the past two decades and now dominates our Nation's retail and services sectors. Unfortunately, Federal and State law and regulation have failed to keep pace. Federal guidelines intended to protect the public from false or misleading franchise promotions are sadly out of date and only marginally enforced. Legal rights and standards taken for granted in other business relationships con-

tinue to be debated and denied in franchising arrangements.

It is time Congress acted to provide basic protections in Federal law to discourage fraudulent and abusive franchising practices and to help strengthen the American dream of small business ownership. I believe the proposals I am introducing will constitute landmark legislation. In much the same way that the Wagner Act helped revolutionize labor-management relations in the industrial economy of the 1930's, this legislation can help restore fairness and balance in the growing franchising sector of the services-based economy of the 1990's.

I recommend this legislation to the consideration of my colleagues and I urge its adoption by the Congress.

HONORING WES LUPIEN

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. METCALF. Mr. Speaker, on June 3, the people of Oak Harbor, WA, will honor the man who was instrumental in bringing commercial aviation to Whidbey Island by renaming Oak Harbor Airport "the Wes Lupien Airport."

Wes got out of the Navy in the early 1960's, bought a small grass airport outside Oak Harbor and founded a commuter airline service called Puget Sound Airways, which evolved into Harbor Airlines.

Wes had the runway paved, put up buildings, and made the airport into a very good facility. He was very active in the community as president of the Rotary and an active member of the Navy League and chamber of commerce. Wes was also very involved from the start in a Washington State program to develop tourism.

Tragically, Wes was stricken with Alzheimer's disease about 9 years ago while in his early fifties. It forced him to sell the airline and airport. Wes been out of aviation now for several years. His brave struggle with the disease was the subject of an HBO special "Losing It All."

Thanks to the sound, financial groundwork laid by Wesley Lupien, Harbor Airlines still provides Whidbey Island with its main link to Seattle-Tacoma Airport and recently added daily flights to Olympia, the State's capital.

It's the direct result of entrepreneurs like Wes that we have the strongest and most productive economy in the world. Wesley Lupien is living proof of the strength and perseverance of the American entrepreneur.

BOMA INTERNATIONAL'S PRESIDENT THOMAS B. MCCHESENEY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. COYNE. Mr. Speaker, the Nation's largest organization representing the office building industry has been actively guided during the past 2 years by a native son of Pittsburgh, Thomas B. McChesney, executive vice president, Grubb & Ellis Co./Axiom Real Estate Management, Inc. Now that he is ending his

term as president of the Building Owners and Managers Association International, I wanted to take this opportunity to review his many accomplishments.

Tom was elected to BOMA International's presidency in 1993 and was installed during their annual convention in Baltimore. For the next 2 years, he helped his 17,000 members through the real estate recession and worked tirelessly to see that the current recovery takes hold.

Tom's leadership of BOMA came at a critical time for the industry, and he actively involved himself in a number of issues of direct concern to owners and managers of commercial real estate. He sat before my Committee on Ways and Means to testify on the modification of passive loss rules and on the issue of depreciation for leasehold improvements. In 1993, Congress modified passive loss, and there is discussion underway to adjust the depreciation of leasehold improvements. Tom should know that BOMA's concerns were heard, as they were on many issues.

For one such issue, Tom stood side by side with Representative HENRY WAXMAN and Senator FRANK LAUTENBERG to advance a ban on smoking in the workplace. BOMA has long been involved in promoting good indoor air quality, and Tom has sought to ensure that the issue is addressed appropriately, cost effectively, and immediately. One crucial step, according to BOMA, is to attack the problem at the source. To that end, a ban on workplace smoking has been an important part of BOMA's indoor air quality agenda.

During Tom's 2-year term, BOMA also faced the \$8.1 billion indoor air regulatory proposal at OSHA. Tom has overseen the advocacy efforts, directed the fundraising for defense, and has met with numerous organizations and individuals in seeking to bring reason to OSHA's approach. While we do not know the results yet, you can be sure that Tom's involvement brought credibility to BOMA's side—for he is a practitioner in the field of commercial real estate, he is a professional in the field of commercial real estate; he is a leader in the field of commercial real estate.

Tom has also overseen the implementation of BOMA's strategic long-range plan, bringing the membership from 7,000 to almost 17,000 real estate professionals. He has hosted a year of meetings to coordinate the efforts of the National Real Estate Organizations and has demonstrated his commitment to reaching out within the industry and engaging in strategic alliances with related trade and professional associations to focus the industry's limited sources on critical issues.

Highlighting Tom's term has been his success at assisting the efforts of the 100 local BOMA associations throughout the United States in identifying problems as they surface so that they may be tackled together. Tome has seen those efforts multiply as BOMA addressed issues of concern ranging from telecommunications reform to the Federal Government construction of new office space. He has spent the past 2 years traveling to many local BOMA associations, seeking to actively involve them in all facets of BOMA's mission. As one result of that effort, he instituted a legislative conference program to engage BOMA members in the grassroots approach to lobbying. Majority whip, TOM DELAY, Senate Judiciary Committee Chairman, ORRIN HATCH, and

Senate Majority Leader BOB DOLE, joined Tom in launching a successful event.

Tom has seen to it that BOMA maintains their position as the commercial real estate industry's primary source for selected legislative, regulatory, and research information. As he passes the mantle of leadership to G.A. "Chip" Julin III, RPA, he has left the organization in strong financial shape, more effective at advocating and educating than ever before.

I am pleased to note his long-time residency in Pittsburgh, PA where Tom is quite active in the community. He has done much to promote Pittsburgh and he has done much to advance BOMA. My best wishes go to Tom and BOMA's first lady, Lisa, along with their children, Marni and Toby, as Tom concludes his elected role as President of the oldest and largest organization representing the interests of the office building industry. He has done much to enhance the professionalism of his colleagues.

As BOMA closes in on its 90th year of service to the office building industry, Tom can look back with pride on the many accomplishments achieved by the organization, and know that his 2-year leadership role has extended the tradition set forth by the founders of the National Association of Building Owners and Managers in 1907.

TRIBUTE TO TEN OUTSTANDING GRADUATES OF NEAL F. SIMEON VOCATIONAL HIGH SCHOOL

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. RUSH. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to 10 outstanding students of the Neal F. Simeon Vocational High School located in the First Congressional District.

These students are Marcus Patterson, Michael Washington, Eric Maxwell, Audrey Haynes, Bradford Young, Kareem Forte, Terry Batey, Tamaya Williams, Jeffery Shelton, and Spencer Donerson. They are the top 10 graduating seniors of Simeon's class of 1995.

Mr. Speaker, while it is not unusual for a Chicago public high school to produce top-ranking graduates, this Simeon graduating class is unique in the fact that eight of its top 10 graduates are African-American males, including the valedictorian, Mr. Patterson and salutatorian, Mr. Washington.

In today's society, much has been written and said about the plight of our African-American males. Virtually all of it has become negative. I am therefore, extremely proud of these young men for what they have accomplished. I am proud that these young men have recognized the value of a good education. By their example, I believe that all of our youth can be encouraged to achieve their academic goals.

Mr. Speaker, I wish to extend to these 10 outstanding students of the Neal F. Simeon Vocational High School, the entire student body, the principal, Mr. John E. Everett, and the faculty and staff my sincerest congratulations. I am honored to enter these words of commendation into the RECORD.

HELPING MISSING CHILDREN: THE LEGACY OF SARA ANN WOOD

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. BOEHLERT. Mr. Speaker, I rise today in honor of the missing children of this country, and of their parents and families who hope against hope that their children will be returned safely to them. In 1988, the last year for which statistics are available, between 3,200 and 4,600 children were abducted by strangers. The statistics on missing children are sad, but far sadder are the stories behind the statistics: the families wondering if they will ever see their children again, and the brutality suffered by the children. One of those families, the Woods of Litchfield, NY, lost their daughter, 12-year-old Sara Anne on August 18, 1993. Today, Sara's father, Bob, brother, Dusty, and five others concerned about missing children, today completed a 600-mile ride from Washington Mills, NY, to the Nation's Capital. Hoping to bring some good from their tragedy, they put aside their own grief and have worked to increase awareness of missing children. Bob Wood says that if even one child is saved from kidnapping and abuse as a result of his ride, he will have accomplished his goal. I commend to you today Bob and Dusty Wood, and their cycling companions, Joe Kelly, Earle Reed, Frank Williams, Dick Jordan, and Al Pylman. Their efforts on behalf of missing children are Sara's legacy.

HONORING MORTON GOULD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to one of America's finest musicians: Morton Gould.

Morton Gould ranks among the most prominent members of the American music community. He has attained international recognition as a symphonic composer and conductor; a composer of film, television, Broadway and ballet scores; and recording artist. This year Mr. Gould was recognized with one of the music world's highest honors, the Pulitzer Prize for music composition.

This is not, however, the first time that Mr. Gould has been honored in such a way. Mr. Gould's many honors include a Grammy Award and 12 Grammy nominations; the 1983 Gold Baton Award, presented by the American Symphony Orchestra League; and the 1985 Medal of Honor for Music from the National Arts Club. In 1986, Gould was elected to the American Academy and Institute of Arts and Letters, and was presented with the National Music Council's Golden Eagle Award. This past December, he was a Kennedy Center honoree.

Morton Gould's music has been commissioned by symphony orchestras all over the United States, as well as by the Library of Congress, the Chamber Music Society of Lincoln Center, The New York City Ballet and the American Ballet Theatre. His compositions have been performed worldwide and by al-

most every American orchestra, large and small, under the direction of both today's eminent conductors as well as many notable conductors of the past including Arturo Toscanini, Leopold Stokowski, Dimitri Mitropoulos, and Fritz Reiner.

On April 30, 1986, he added leadership of the United States foremost performing rights organization to this list of achievements, when he was elected president of the American Society of Composers, Authors, and Publishers. He has served on ASCAP's board of directors since 1959, and has been a member since 1935.

Mr. Speaker, another great American composer, Aaron Copland, once observed, "The greatest moments of the human spirit may be deduced from the greatest moments in music." Morton Gould has spent a lifetime portraying the greatest moments of the human spirit through his music. I am happy to have this opportunity to honor one of this country's greatest musicians, and I ask that my colleagues join me in congratulating Mr. Gould on receiving the Pulitzer Prize.

REPRESENTATIVE NANCY PELOSI ON NANCY D'ALESSANDRO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Ms. PELOSI. Mr. Speaker, in the month of May as we observe Mother's Day, I rise in memory of my mother, Nancy D'Alessandro, who died April 3, 1995. My brothers and I, of course, remember her as a wonderful mother. However, the outpouring of love and respect that followed her death clearly indicates that she was also a respected leader, dear friend and an activist First Lady of Baltimore when my father was mayor. Mommy was also a remarkable Congressional spouse when my father, Thomas D'Alessandro, served in Congress.

Our Mother was a woman of faith, and her devotion inspired her in her personal and political life. She treated every person with the respect worthy of children of God. The stories of her kindness are legend in Baltimore. It was a daily ritual that lines of people would form outside our home seeking public assistance of one kind or another, or even a meal. She worked on the side of the angels and now she is with them.

I was very proud that in her obituary, the Baltimore Sun quoted a speech she made in 1951 in support of low-cost public housing: "How can we expect parents to teach their children love, faith and tolerance when they have no homes? When the home fails, the community fails, the nation fails".

In that same obituary, Governor Schaefer said of her, "She was a very fiery woman, loved her kids, and was superb to old Tommy. She was a Democrat through and through". One of her friends said: "She had an almost unerring insight and common sense judgment in the arcane world of politics, which over the years proved of immense value to the political practitioners of her family".

She was a political force in her own right, but took great pride in being wife of a Mayor and mother of a Mayor of Baltimore, and wife of a Member of Congress and mother of a

Member of Congress. A tribute she would love to hear was that of Cardinal Keeler, who referred to her as Regina, a queen, at her funeral Mass.

She was active in the Red Cross, the YWCA, the Salvation Army, and of course the Catholic Church and the Democratic Party. But most of all she was a darling Mommy. My brothers, former Mayor Thomas III, Nicholas, Hector, Joseph and Franklin Roosevelt D'Alesandro and I all cherished her every day of her life. She took great joy in her family and her treasures were her children, her 16 grandchildren and her eight great grandchildren.

The role of mother was what she considered most important. She assembled the following tribute to her mother in 1952:

MOTHER—DEDICATED TO MY MOTHER AND ALL
MOTHERS, LIVING AND DEAD

Mother, I think of you, Guardian Angel of my childhood. Who can fathom the real meaning of the word Mother? Whose hearts are not filled with the memory of her, who has not stopped loving us from the first moment of our existence, when like a ray of sunshine she beamed down into our cradles! When the fingers of care and worry had not yet touched our hearts, it was Mother who was always around preventing their entrance into the holy island of Childhood.

Motherhood cannot be understood. It has its overtones in all languages; like magic it weaves a pattern full of joys, tears, patience, love—each exalting like the music of golden bells.

Even when the word is spoken by an old man it sounds as if it comes from the lips of a child. To try to explain we must listen to our hearts as well as our minds. Mother teaches us to walk and play; to talk and pray. She knows the joys of happiness, she knows the sorrows of worry, care, and heartache. Mother is a beautiful person; when everything else in the world may change, she alone remains the same. Others may love us; but she knows us, understands us, and will forgive us whatever we may do. Mother is truly the living example of Child's sublime Sermon on the Mount, for she has Fed the Hungry, Given Drink to the Thirsty, Clothed the Poor, Visited the Sick, Buried the Dead, Taught the Ignorant, and has given Solace to the Sorrowful. In a few words Mother is God's Co-helper, and a radiant beam from that Mother of all Mercy.

IN REMEMBRANCE OF DR.
ULYSSES MASON, JR.

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. STOKES. Mr. Speaker, recently, the Greater Cleveland community mourned the passing of Dr. Ulysses Mason, Jr., a highly respected local physician. Dr. Mason passed away on May 13, 1995, at the age of 86. During his lifetime, he was not only an outstanding doctor, but he was an individual who was committed and fought to achieve racial justice.

Dr. Mason began his rise to prominence in 1938 when he scored third among the 112 doctors who passed the Ohio medical examination. Early in his career, Dr. Mason fought for the establishment of a nonsegregated medical facility where patients could be admitted without reference to color. His dream became reality with the formation of Forest City Hospital. When the hospital opened its doors

in 1957, it was the first facility in the city to offer black doctors full participation in its operation.

Mr. Speaker, as a result of the Dr. Mason's efforts, racial barriers in other hospitals eroded, and black physicians were placed in medical settings where they could learn and grow. During his career, Dr. Mason also served as president of the medical staff at MetroHealth, becoming the first black physician in the area to hold such a post.

We will remember Dr. Mason as an individual who paved the way so that others could achieve in the field of medicine. For many years prior to my coming to the U.S. Congress, Dr. Mason served as my physician. He was an individual who was devoted to his work and the community. I recall that he also gave freely of his time and energy.

Mr. Speaker, just recently the Plain Dealer newspaper highlighted Dr. Mason's contributions to our community. I want to share the newspaper article with my colleagues. I also take this opportunity to again extend my condolences to Dr. Mason's wife, Melbahu, and his family. He was a doctor and civil rights pioneer who will never be forgotten.

[From the Plain Dealer, May 17, 1995]

DR. ULYSSES MASON, CIVIL RIGHTS ACTIVIST
(By Richard Peery)

CLEVELAND.—Dr. Ulysses G. Mason Jr. was a highly regarded physician who fought for racial justice. He led the formation of Forest City Hospital to provide a place where black physicians and patients would be welcome without consideration of color. The hospital was open for more than 20 years, during which black doctors and patients obtained greater acceptance in other area hospitals.

Dr. Mason died Saturday at Cleveland Clinic Hospital. He was 86.

He was born in Birmingham, Ala. His father, who was also a physician, sent him to public schools in Chicago because of better educational opportunities there.

Dr. Mason graduated from Amherst College in Amherst, Mass., in 1929 and from the medical school of the University of Chicago in 1936.

He served his internship at Cleveland's City Hospital, now MetroHealth Medical Center. He scored third among the 112 doctors who passed the Ohio medical examination in 1938.

Dr. Mason also served a residency in internal medicine at the hospital when the wards and dining rooms for patients and staff were segregated by race. In 1939, he took the first steps toward establishing a new, nonsegregated medical facility "where Negro patients can be admitted without question to color."

He circulated a letter to other black physicians asking for their support. The late Dr. Middleton Lambright Sr. became one of his strongest backers.

"Black doctors didn't have a medical setting they could call their own where they could learn and grow," Dr. Mason said in an interview years later.

Dr. Mason was president of the Forest City Hospital Association when the new hospital opened in the Glenville neighborhood in 1957. The 103-bed modern general hospital was the first in the city to offer black doctors full participation in its operation.

There had been opposition in the black community, including some from the NAACP, because of fears that the hospital would lead to increased segregation in the rest of the medical community. But the opposite occurred. Racial barriers in other hospitals eroded.

Dr. Mason was named president of the medical staff at MetroHealth in 1960. It was said to have been the first such office held by a black doctor at any area hospital other than Forest City.

He also served on the staff of Mt. Sinai Hospital.

Other positions that Dr. Mason held included service on the boards of the Glenville YMCA, Cleveland Academy of Medicine, Cleveland Area Heart Society, Anti-Tuberculosis League and the advisory board of the Maternal Health Association.

He was a clinical instructor and assistant clinical professor at Case Western Reserve University School of Medicine until 1980.

He also served on the board of Alpha Phi Alpha fraternity.

Dr. Mason is survived by his wife, Melbahu T.; and sons, Dr. Ulysses G. III of Denver, Bryant S. of New York City and Paul J. of Arlington, Va.

A memorial service will be at 3 p.m. Friday at the Church of the Covenant, 11205 Euclid Ave.

Arrangements are being handled by E.F. Boyd & Son Funeral Home of Cleveland.

THE FEDERALLY SUPPORTED HEALTH CENTERS ASSISTANCE ACT OF 1995

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, I plan to introduce shortly, with Congressman WYDEN of Oregon, the Federally Supported Health Centers Assistance Act of 1995 and commend the following background and summary of the legislation to the House of Representatives.

THE FEDERALLY SUPPORTED HEALTH CENTERS
ASSISTANCE ACT OF 1995

EXTENDING MALPRACTICE COVERAGE FOR
HEALTH CENTERS UNDER THE FEDERAL TORT
CLAIMS ACT

Background

Community, migrant and homeless health centers are eligible for coverage for medical malpractice under the Federal Tort Claims Act [FTCA]. Health centers were brought under the FTCA in 1993 by the Federally Supported Health Centers Assistance Act of 1992. Health centers are covered for malpractice claims in the same manner as employees of the Public Health Service who provide medical care. The law provided this coverage for health centers for a three-year "demonstration" period, which expires December 31, 1995.

Private malpractice insurance is a significant expense for health centers. Prior to the enactment of FTCA coverage, health centers spent \$60 million of their federal grant funds each year for private malpractice coverage. Health centers covered under the FTCA has saved an estimated \$14.3 million in malpractice insurance costs over the past two years—funds which were channelled back into patient care to serve an estimated 75,000 additional clients.

During the last two years, FTCA coverage for health centers has been only partially implemented. Final regulations were only recently issued on May 8, 1995. This lengthy period of uncertainty regarding the law's scope has made it necessary for many health centers to continue their private malpractice coverage. To date, 542 health centers have been "deemed" by HHS for malpractice coverage under FTCA, and 119

health centers have dropped private malpractice insurance for one or more of their clinician. Only 29 percent of health center clinicians are currently covered by FTCA.

The number of claims against health centers under FTCA is remarkably low. Since autumn of 1993, only eight claims have been filed nationwide against the 542 health centers approved for FTCA coverage. This low rate of malpractice claims is consistent with the low rate of claims filed against health centers under private insurance. To date, a total of \$11 million of health center appropriations have been set aside over the last three years for FTCA judgment costs. None of these funds have been obligated or expended thus far.

SUMMARY OF LEGISLATION

H.R. makes malpractice coverage for health centers under the FTCA permanent. Based on information gained during the demonstration period, H.R. makes several clarifications and procedural modifications in the law to improve the efficiency and operation of the program. The bill:

Codifies provisions of the final regulations defining the coverage of officers, employees and contractors of health centers under FTCA, and clarifies that health center governing board members are also covered.

Provides for coverage under FTCA of part-time health center clinicians who practice in the primary care areas of family practice, general internal medicine, general pediatrics, and obstetrics and gynecology.

Codifies provisions of the final regulations which clarify that FTCA malpractice coverage applies to certain health services health center clinicians may provide to patients who are not registered with the center. For example, health center practitioners participating in community-wide immunization efforts will have FTCA coverage when providing immunizations.

Establishes procedures for health centers to apply for and receive malpractice coverage under FTCA. Clarifies that once an application for coverage under FTCA is approved, the coverage applies to claims for services provided during the period for which the coverage determination has been made and is binding on all parties to a malpractice claim.

Provides for a full and fair hearing on the record before a health center can be decertified from previously approved FTCA coverage.

Provides for timely action by the Department of Justice to remove a malpractice case filed in state court when the case is covered under FTCA.

Applies FTCA coverage to health services provided by centers to enrollees of managed care plans who have chosen the managed care plan as their provider. Establishes that FTCA coverage must be accepted by managed care plans as meeting the requirements for malpractice coverage for health centers who contract to be providers for managed care plans.

Sets the maximum amount that may be held aside from health center grant appropriations for the FTCA malpractice claim reserve fund at \$10 million annually.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE.

(a) **SHORT TITLE.**—This Act may be cited as the "Federally Supported Health Centers Assistance Act of 1995".

(b) **REFERENCE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or

other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. PERMANENT EXTENSION OF PROGRAM.

(a) **IN GENERAL.**—Section 224(g) (42 U.S.C. 233(g)) is amended by striking the last sentence of paragraph (3).

(b) **CONFORMING AMENDMENTS.**—

(1) Section 224(k)(1)(A) (42 U.S.C. 233(k)(1)(A)) is amended by striking "each of the fiscal years 1993, 1994, and 1995" and inserting "each fiscal year".

(2) Section 224(k)(2) (42 U.S.C. 233(k)(2)) is amended by striking "each of the fiscal years 1993, 1994, and 1995" and inserting "each fiscal year".

SEC. 3. CLARIFICATION OF COVERAGE.

Section 224(g)(1) (42 U.S.C. 233(g)(1)) is amended—

(1) in the first sentence, by striking "officer, employee, or contractor" and inserting "officer, governing board member, or employee of such an entity, and any contractor"; and

(2) in the second sentence, by inserting after "officer," the following "governing board member,".

SEC. 4. COVERAGE FOR SERVICES FURNISHED TO INDIVIDUALS OTHER THAN CENTER PATIENTS.

Section 224(g)(1) (42 U.S.C. 233(g)) is amended—

(1) by redesignating paragraph (1) as paragraph (1)(A); and

(2) by adding at the end thereof the following:

"(B) The deeming of any entity or officer, governing board member, employee, or contractor of the entity to be an employee of the Public Health Service under subparagraph (A) shall apply with respect to services provided—

"(i) to all patients of the entity, and

"(ii) subject to subparagraph (C), to individuals who are not patients of the entity.

"(C) Subparagraph (B)(ii) applies to services provided to individuals who are not patients of an entity if the Secretary determines, after reviewing an application submitted under subparagraph (D), that the provision of the services to such individuals—

"(i) benefits patients of the entity and general populations that could be served by the entity through community-wide intervention efforts within the communities served by such entity;

"(ii) facilitates the provision of services to patients of the entity; or

"(iii) are otherwise required under an employment contract (or similar arrangement) between the entity and an officer, governing board member, employee, or contractor of the entity.".

SEC. 5. APPLICATION PROCESS.

(a) **APPLICATION REQUIREMENT.**—Section 224(g)(1) (42 U.S.C. 233(g)(1)) (as amended by section 4) is further amended—

(1) in subparagraph (A), by inserting "and subject to the approval by the Secretary of an application under subparagraph (D)" after "For purposes of this section"; and

(2) by adding at the end thereof the following:

"(D) The Secretary may not deem an entity or an officer, governing board member, employee, or contractor of the entity to be an employee of the Public Health Service under subparagraph (A), and may not apply such deeming to services described in subparagraph (B)(ii), unless the entity has submitted an application for such deeming to the Secretary in such form and such manner as the Secretary shall prescribe. The application shall contain detailed information, along with supporting documentation, to verify that the entity, and the officer, governing board member, employee, or contrac-

tor of the entity, as the case may be, meets the requirements of subparagraphs (B) and (C) of this paragraph and that the entity meets the requirements of paragraphs (1) through (4) of subsection (h).

"(E) The Secretary shall make a determination of whether an entity or an officer, governing board member, employee, or contractor of the entity is deemed to be an employee of the Public Health Service for purposes of this section within 30 days after the receipt of an application under subparagraph (D). The determination of the Secretary that an entity or an officer, governing board member, employee, or contractor of the entity is deemed to be an employee of the Public Health Service for purposes of this section shall apply for the period specified by the Secretary under subparagraph (A).

"(F) Once the Secretary makes a determination that an entity or an officer, governing board member, employee, or contractor of an entity is deemed to be an employee of the Public Health Service for purposes of this section, the determination shall be final and binding upon the Secretary and the Attorney General and other parties to any civil action or proceeding. Except as provided in subsection (i), the Secretary and the Attorney General may not determine that the provision of services which are the subject of such a determination are not covered under this section or are not within the scope of employment or responsibility of the entity or its officers, governing board members, employees, or contractors.

"(G) The Secretary, for good cause shown, may reverse a determination under subparagraph (E). The decision of the Secretary to reverse such a determination shall be made on the record after opportunity for a full and fair hearing. Any such reversal by the Secretary shall apply only after the entity receives notice of such reversal and shall only apply to acts and omissions occurring after the date on which such notice was received.".

(b) **APPROVAL PROCESS.**—Section 224(h) (42 U.S.C. 233(h)) is amended—

(1) by striking the matter preceding paragraph (1) and inserting the following: "The Secretary may not approve an application under subsection (g)(1)(D) unless the Secretary determines that the entity—"; and

(2) by striking "has fully cooperated" in paragraph (4) and inserting "will fully cooperate".

SEC. 6. TIMELY RESPONSE TO FILING OF ACTION OR PROCEEDING.

Section 224 (42 U.S.C. 233) is amended by adding at the end thereof the following:

"(1)(1) If a civil action or proceeding is filed in a State court against any entity described in subsection (g)(4) or any officer, governing board member, employee, or any contractor of such an entity for damages described in subsection (a), the Attorney General, within 15 days after being notified of such filing, shall make an appearance in such court and advise such court as to whether the Secretary has determined under subsections (g) and (h), that such entity, officer, governing board member, employee, or contractor of the entity is deemed to be an employee of the Public Health Service for purposes of this section with respect to the actions or omissions that are the subject of such civil action or proceeding. Such advice shall be deemed to satisfy the provisions of subsection (c) that the Attorney General certify that an entity, officer, governing board member, employee, or contractor of the entity was acting within the scope of their employment or responsibility.

"(2) If the Attorney General fails to appear in State court within the time period prescribed under paragraph (1), upon petition of

any entity or officer, governing board member, employee, or contractor of the entity named, the civil action or proceeding shall be removed to the appropriate United States district court. The civil action or proceeding shall be stayed in such court until such court conducts a hearing, and makes a determination, as to the appropriate forum or procedure for the assertion of the claim for damages described in subsection (a) and issues an order consistent with such determination."

SEC. 7. APPLICATION OF COVERAGE TO MANAGED CARE PLANS.

Section 224 (42 U.S.C. 223) (as amended by section 6) is amended by adding at the end the following:

"(m)(1) An entity or officer, governing board member, employee, or contractor of an entity described in subsection (g)(1) shall, for purposes of this section, be deemed to be an employee of the Public Health Service with respect to services provided to individuals who are enrollees of a managed care plan if the entity contracts with such managed care plan for the provision of services.

"(2) Each managed care plan which enters into a contract with an entity described in subsection (g)(4) shall deem the entity and any officer, governing board member, employee, or contractor of the entity as meeting whatever malpractice coverage requirements such plan may require of contracting providers for a calendar year if such entity or officer, governing board member, employee, or contractor of the entity has been deemed to be an employee of the Public Health Service for purposes of this section for such calendar year. Any plan which is found by the Secretary on the record, after notice and an opportunity for a full and fair hearing, to have violated this subsection shall upon such finding cease, for a period to be determined by the Secretary, to receive and to be eligible to receive any Federal funds under titles XVIII or XIX of the Social Security Act.

"(3) For purposes of this subsection, the term 'managed care plan' shall mean health maintenance organizations and similar entities that contract at-risk with payors for the provision of health services or plan enrollees and which contract with providers (such as entities described in subsection (g)(4)) for the delivery of such services to plan enrollees."

SEC. 8. COVERAGE FOR PART-TIME PROVIDERS UNDER CONTRACTS.

Section 224(g)(5)(B) (42 U.S.C. 223(g)(5)(B)) is amended to read as follows:

"(B) in the case of an individual who normally performs an average of less than 32½ hours of services per week for the entity for the period of the contract, the individual is a licensed or certified provider of services in the fields of family practice, general internal medicine, general pediatrics, or obstetrics and gynecology."

SEC. 9. DUE PROCESS FOR LOSS OF COVERAGE.

Section 224(i)(1) (42 U.S.C. 223(i)(1)) is amended by striking "may determine, after notice and opportunity for a hearing" and inserting "may on the record determine, after notice and opportunity for a full and fair hearing".

SEC. 10. AMOUNT OF RESERVE FUND.

Section 224(k)(2) (42 U.S.C. 223(k)(2)) is amended by striking "\$30,000,000" and inserting "\$10,000,000".

TRIBUTE TO NATHAN H. BRIDGES WINNER OF RAIL SAFETY AWARD

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. FORD. Mr. Speaker, I would like to pay tribute to one of my constituents, Mr. Nathan H. Bridges of Memphis, TN who has been awarded the Harold F. Hammond Award for safety achievements in the railroad industry. Mr. Bridges, a motor car repairman for the Illinois Central Railroad in my congressional district, is responsible for the maintenance and repair of all track equipment for his maintenance-of-way work unit. Mr. Bridges, who has been chairman of the railroad's Southern Region engineering department safety committee since 1993, was selected from over 200,000 railroad workers. His work also enabled his company, the Illinois Central Railroad win for the fifth time the E.H. Harriman Memorial Award. The Harriman Award is given to railroad companies and their employees for achieving Federal Railroad Administration safety standards.

Secretary of Transportation Federico Pena noted this milestone saying: "Our statistics show that the rate of train accidents and rail employee injuries—along with the number of rail employee fatalities—were at their lowest levels in 1994." Mr. Bridges and the superb employees of the Illinois Central Railroad in Memphis made a significant contribution to these safety statistics.

Mr. Speaker, Memphis, TN is known across this country as "America's Distribution Center." Mr. Bridges dedicated service has done much to help our great city keep its reputation as a center for commerce and transportation. More important though is Mr. Bridges' dedication to safety. The number of lives saved by his commitment to safety cannot be quantified. Mr. Speaker, I would like to include a short biography of Mr. Bridges and a description of the award for the record and ask that the House of Representatives join me in honoring his contribution.

THE HAMMOND AWARD WINNER

Nathan H. Bridges

Nathan H. Bridges, who repairs track equipment for his maintenance-of-way unit of Illinois Central Railroad, is the Harold F. Hammond Safety Award winner.

Mr. Bridges is being recognized for his promotion of on-the-job safety awareness, an unselfish commitment to advancing safety knowledge at employee meetings and improving safety-related dialogue among employees and senior management of Illinois Central.

On his own time, Mr. Bridges produces a quarterly safety newsletter for distribution to fellow employees in IC's Southern Region, counsels schoolchildren on safe behavior near railroad tracks and enrolled in night courses on occupational safety even before IC's current tuition refund program was inaugurated.

A safety consultant who encountered Mr. Bridges on the job later remarked to Illinois Central's Southern Region superintendent that "if Illinois Central had other employees thinking like Nathan Bridges, solving safety problems would be a breeze."

In nominating Mr. Bridges for the Hammond Award, Illinois Central's chief executive officer, Hunter Harrison, wrote that after Mr. Bridges was asked to take charge

of a superintendent's safety committee, "he immediately told everyone on the committee either to start contributing or resign and make room for someone who would. He assigned all the committee members research projects and had them write letters for a regional safety newsletter."

Mr. Harrison added that in Mr. Bridges' continuing role as chairman of the superintendent's safety committee, he repeatedly has reminded track supervisors and even engineering superintendents that employee safety concerns are the first order of business on Illinois Central Railroad.

The Harold F. Hammond Safety Award, established in 1986, is awarded to an individual railroad employee who has demonstrated outstanding safety achievement during the preceding year.

CLEANUP OF THE ROCKY MOUNTAIN ARSENAL

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mrs. SCHROEDER. Mr. Speaker, one of the Nation's most notorious military environmental problems just took a big step forward. The World War II-era Rocky Mountain Arsenal, located in my district, manufactured and stored chemical munitions. It later leased land to Shell Chemical Co. for pesticide production. Thirty years of haphazard chemical disposal by both resulted in a surface and ground water mess that vexed Federal, military, State, and corporate leaders who faced complicated cleanup questions.

Many of those questions were answered with the release yesterday of a tentative conceptual cleanup strategy. I wish to submit into the record that agreement. It can be reviewed by a wide audience and can provide necessary background as this project seeks continued funding from a diminishing defense environmental restoration account.

The remarkable fact about this agreement is the 6-year, painstaking negotiations undertaken to get there. Bitter pills were swallowed by all. And days of fine tuning are still ahead. But the real winner is human health and the environment. I wish to applaud the negotiators who gave years of blood, sweat and tears to reach the following agreement.

Mr. Speaker, here follows a milestone.

ROCKY MOUNTAIN ARSENAL REMEDY NEGOTIATIONS, EMBASSY SUITES HOTEL, SE DENVER, MAY 9-11, 1995

CONCEPTUAL AGREEMENT COMPONENTS

(Please refer to attached map for site locations.)

Background

This proposal represents a tentative conceptual agreement between the U.S. Army, Shell Oil Company, the state of Colorado, the U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Service for the cleanup of the Rocky Mountain Arsenal. The conceptual remedy was reached based upon ongoing discussions during the past six months, which included stakeholders, and on the past studies performed at the Arsenal as part of the Superfund process. This tentative conceptual agreement is contingent on the successful resolution of issues yet to be resolved by the parties.

Timetable for Ongoing Process

Assuming continued resolution of issues between the parties, a new Detailed Analysis

of Alternatives (DAA) will be issued by the Army within the next six months. Concurrently, a Proposed Plan for the on-post cleanup will be issued for public review and comment. Stakeholder involvement will continue during this process. A closure plan for Basin F will be finalized within the next six months as well.

1. Future Hazardous Waste Landfill (RCRA).

A new on-site, state-of-the-art hazardous waste landfill will be constructed in an agreed-upon location between Former Basin F and North Plants. One cell (approximately 750,000 cubic yards) of this landfill will have an enhanced design and will contain contaminated soil from the Basin F Waste Pile and Lime Basins. This landfill will accept material only from the Arsenal.

2. Former Basin F.

Principal threat soil will be treated in place using solidification to a depth of 10 feet.

A RCRA-equivalent cap with biota barrier will be constructed over the former basin to prevent contact with remaining human health exceedence soil and to minimize further groundwater contamination.

3. Basin F Waste Pile.

Waste pile soil, including the bottom liners, will be excavated and placed in an enhanced cell at the future on-site, state-of-the-art hazardous waste landfill designed for approximately 750,000 cubic yards of contaminated soil (to include Basin F Waste Pile and Lime Basin soil).

If the waste pile soil exceeds EPA's paint filter test, moisture content will be reduced to acceptable levels by using a dryer in an enclosed structure. Volatile organic compounds from the drying process will be captured and treated.

Additional odor controls will be employed as necessary.

4. Basin A

To reduce the amount of clean soil used for fill from other portions of the Arsenal, excavated biota exceedence soil from other sites at the Arsenal will be placed in Basin A as fill material under the cap.

Structural debris on the Arsenal, except agent-contaminated building material and pesticide-contaminated building material (unless pesticide-contaminated building material is washed), may be placed in Basin A as fill material.

Contaminated soil (both principal threat and human health exceedence soil), structural debris on the Arsenal, and Arsenal biota exceedence soil will be entombed under 6 inches of concrete and a soil cover.

5. South Plants Central Processing Area.

Principal threat and human health exceedence soil will be excavated to a depth of 5 feet and placed in the future on-site, state-of-the-art hazardous waste landfill.

A soil cover with a biota barrier will be constructed over the site to isolate remaining contamination.

6. Balance of South Plants Areas.

Principal threat and human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

Biota exceedence soil will be excavated for use as fill material in Basin A.

7. North Plants.

Human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

8. Pits and Trenches.

A. Complex (Army) Trenches: Construction of a slurry wall around the Trenches and a RCRA-equivalent cap with biota barrier (6 inches of concrete) will prevent contact with contaminated soil and will minimize further groundwater contamination.

A groundwater pump and treat system will be installed and operated to intercept the Section 36 Bedrock Ridge Plume until the plume is hydrologically controlled.

B. Shell Trenches: Expansion of the current slurry wall around the Trenches and a RCRA-equivalent cap with biota barrier will prevent contact with contaminated soil and will minimize further groundwater contamination.

C. M-1 Pits: Principal threat and human health exceedence soil will be excavated and treated via a solidification technology. Treated soil will be placed in the future on-site, state-of-the-art hazardous waste landfill.

D. Hex Pits: Principal threat soils will be treated with a yet-to-be-agreed-upon technology.

E. Lime Basin: Principal threat and human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

F. Burial Trenches: Human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

9. Ditches, etc.

A. Sand creek Lateral: Human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill; biota exceedence soil will be excavated and used as fill material in Basin A.

B. Buried lake sediments: Human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

C. South Plants Ditches: Principal threat and human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

Biota exceedence soil will be excavated and used as fill material in Basin A.

10. *Secondary Basins*: Human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

Biota exceedence soil will be excavated and used as fill material in Basin A.

11. *Chemical Sewers*: Chemical sewer lines (typically buried deeper than 6 feet) and

manholes located in the South Plants Central Processing Area will be plugged with concrete. A soil cover with a biota barrier will be placed at the surface. These actions will eliminate access to the lines and minimize further groundwater contamination.

In areas outside the South Plants Central Processing Area, human health exceedence soil associated with the sewers will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

12. Structures: Demolish all contaminated structures.

In order to minimize use of clean soil for fill material in Basin A, building debris could be placed into Basin A for fill, except agent-contaminated building material and pesticide-contaminated building material (unless pesticide-contaminated building material is washed).

13. *Munitions*: Munitions and munition debris in formerly used testing sites will be located and excavated. Excavated debris and associated soil will be placed in the future on-site, state-of-the-art hazardous waste landfill. If explosives-containing munitions are found, they are to be taken to the closest on-post site for detonation. If not considered safe for removal and transport, they are to be detonated in place.

14. *Groundwater*: The Army's proposal in the Detailed Analysis of Alternatives (DAA) was agreed upon. In addition, Basin A and South Plants Central Processing areas will *not* be de-watered (also, see points on Complex (Army) Trenches above).

Major components of the Army's DAA proposal include:

Continued operation of all existing groundwater pump and treat systems including the three boundary systems (Irondale, Northwest Boundary and North Boundary Control Systems) and interim response action systems (Motor Pool and Rail Classification Yard Extraction System, Basin F Groundwater, IRA, Basin A Neck IRA and Off-post System).

South Plants Tank Farm plume groundwater will be treated with an in-situ biological process.

Additional issues under "Issues Yet To Be Resolved" section remain to be resolved.

15. *Alternative Water Supply*: 4,000 acre feet and distribution system for residents (area yet to be determined).

ISSUES STILL BEING DISCUSSED INCLUDE:

1. *Soil Volumes*

2. *Existing (sanitary) Landfills*

3. *Assorted Groundwater Issues, including*: Point of compliance, cleanup levels for additional compounds and application of Colorado Basic Groundwater Standards.

4. *The Appropriate Remedy for Surficial Soils, Other Ditches, Lake Sediments*

5. *Assorted Off-Post Issues such as*:

A. Off-post soils

B. Montbello soil sampling

C. Health Screening